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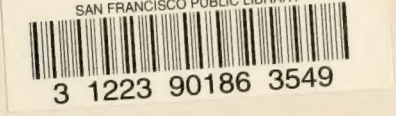
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ELEVENTH ANNUAL REPORT



DOCUMENTS

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

FOUNDED JULY, 1964

1095 Market Street - Suite 501
San Francisco, CA 94103

January 1975

to

January 1976

The Human Rights Commission's total budget of \$288,512.00 for Fiscal 1975 (July 1, 1975 to June 30, 1976) represented .04% of the total City Budget of \$726,674,941 (exclusive of San Francisco Unified School District).

Section 12A.2 of the San Francisco Administrative Code (as amended August 28, 1974 extending provisions thereof to include age, sex, sexual orientation and physical disability).

Declaration of Policy. It is hereby declared that the policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies; that an instrumentality should be established to give effect to such rights, to eliminate prejudice and discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, physical disability, or place of birth, to inform the inhabitants of the City and County of developments in human relations, to provide expert advice and assistance to the officers, agencies, boards, departments and employees of the City and County in undertaking ameliorative practices to keep peace and good order and to officially encourage private persons and groups to promote and provide equal opportunity for and good will toward all people.

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Jan 1975

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HUMAN RIGHTS COMMISSION
PERSONNEL 1975

COMMISSIONERS

Rev. Victor L. Medearis, Sr., Chairperson
Caryl Mezey, Vice-Chairperson

The Very Rev. C. Julian Bartlett	Ben L. Hom (resigned 12/4/75)
Rev. George L. Bedford	Earl Livermore (resigned 11/20/75)
Rabbi Alvin I. Fine	Curtis McClain
Joseph R. Garcia	Earl Raab
Sister Mary Bernadette Giles	Eduardo Sandoval
Louis H. Heilbron (resigned 10/1/75)	Darrell Salomon (appointed 10/17/75, resigned 12/3/75)
	Harvey Wong

STAFF

Regular City Civil Service Professional and Clerical

Frank Anderson, Employment Representative
Pauline Anderson, Senior Clerk-Typist
Carol J. Carr, Clerk-Typist (deceased-February, 1975)
Jack Casford, Human Relations Representative
Audrone Fields, Clerk-Typist
Stanley Lim, Contract Compliance Representative
Grace Markham, Clerk-Typist
Grant S. Mickins III, Director **
Wayne Redus, Coordinator of Employment
Gail Roberts, Coordinator, Community Organization
Sanford Shapiro, Accountant/Office Manager
Blanca Torres, Clerk-Typist
** Mr. Mickins replaced William L. Becker, who resigned as HRC Director in April, 1975. Joseph Meza served as Interim Director until Mr. Mickins' appointment in July of 1975.

During 1975, one Clerk-Typist position was "frozen," i.e., no jobs vacated were filled by the City, and one Human Relations Representative position remained unfilled.

In addition to the above permanent staff, the HRC during 1975 had working with it:

- 1 Employment Representative, funded by the U.S. Equal Employment Opportunity Commission (EEOC)
- 1 Affirmative Action Officer, funded by EEOC
- 5 Community Liaison Workers, funded by the Comprehensive Employment Training Act (CETA)
- 2 VD/Alcoholism Project (among youth) Workers, funded by CETA
- 8 Civil Service Recruiters, funded by CETA
- 1 Media Coordinator (half-time), funded by an anonymous donation through August, 1975.

E M P L O Y M E N T

AFFIRMATIVE ACTION

Beer Distributors/Affirmative Action Project

This was an updating report on the proposal brought before the HRC by Teamsters Beer Drivers, Local 888, in October, 1974. The local was attempting to obtain an affirmative action agreement with beer distributors in the Bay Area. As a result of the beer distributors' refusal to meet with the HRC (which was seeking to set up a meeting of all parties to try to negotiate a mutually acceptable affirmative action program) except through their labor consultant representative, the HRC:

1. Moved to try to identify those beer distributors which are, through beer supplier jobs with some of the City's culinary leasees, City contractors, and thus covered under the Nondiscrimination Ordinance, and

2. Wrote to individual beer distributors offering to meet with them separately regarding the affirmative action program. The HRC informed the distributors' association that it had had unsatisfactory results with the association's labor consultant representative.

Subsequently, however, a policy change within the Teamsters' organization precluded any further involvement on the part of Local 888. Additionally, the EEOC grant, which funded the two HRC staff people working on the project, was not renewed by the federal government.

HRC Action Regarding Closing of Sears' Mission Street Store

Despite the HRC efforts to assist a number of local groups, mostly from the Mission District, and Local 1100 of the Retail Clerks Union, to convince the management of Sears Roebuck and Company not to close their big retail outlet in the Mission District, the company shut this operation in late January. Some 250 persons were thrown out of work. Because of the impact this closing was to have on the area in terms not only of the jobs, but because of the services to residents' marketing needs, the HRC had tried a number of things to effect a delay at least of the closing. It recommended an extension of the closing date to give local community groups and agencies time to develop proposals for remerchandising the store and local advertising; it asked Sears to cooperate with the City to upgrade parking and other facilities; and it helped set up a meeting with Arthur Wood, the chairperson of the Sears Board of Directors. The meeting was held, the company held to its claim of business losses, the store was closed, and the jobs were lost. Some few persons may have found jobs in other Sears stores.

City Suppliers/Affirmative Action Report

Fifteen City suppliers monitored by the HRC for compliance with the City's Nondiscrimination Ordinance were covered in this annual, detailed tally of the status of this vital affirmative action function. Ed Vurek, the HRC's Contract Compliance Officer, compiled and presented the report. The companies covered included paper and envelope suppliers, a law book publisher, milk companies, a hospital supplier, business machine suppliers, and petroleum and automotive (truck) suppliers.

The 1975 report highlights included:

1. An increase in minorities represented in the overall work force (26.6% compared to 22.3% in 1974). The majority of jobs held by minorities were clerical, and mainly filled by women. Minority males tended to be semiskilled, laborers and service categories. Thus the affirmative action goal was on getting minorities and women above the clerical levels and into categories such as officials and managers, professionals, technicians, and sales.
2. Conflict between federal government allowance of the use of the Standard Metropolitan Statistical Area (SMSA) which covers San Francisco-Oakland as a basis for establishing affirmative action goals in a San Francisco business, and the HRC's preference for use of San Francisco City and County population figures alone. Companies with "approved" federal programs were reluctant to accede to HRC requirements.
3. With only 13.2% minorities and 19.8% women in positions in these fifteen companies above the clerical level, figures far below both population and labor market statistics, the HRC held that emphasis on identification of promotable minorities and women and referral to up-grading programs were essential.
4. Complete affirmative action file-keeping (hiring, promotions and terminations) was re-emphasized in the 1975 report as a most effective method of creating a pool of strong minority and women candidates for entry positions and promotion.
5. Resistance on the part of some suppliers to using San Francisco as the base for goals (see 2.), and inclusion of "sexual orientation." Another requirement employers questioned was the breakdown of the Asian category into Chinese, Japanese and Filipino. The HRC feels this necessary because of the sizable (and growing) Asian communities.

The HRC later scheduled meetings to work out differences between it and federal agencies in carrying out affirmative action monitoring and compliance work.

Survey of SF Commissions/Agencies & Boards

This survey is part of the HRC's annual ethnic survey of the City workforce. The findings, reported in January of 1975, were as of October 31, 1974. On the 27 commissions, boards and agencies covered, the total number of members rose from 222 in 1972 (the last completed survey before this one) to 243 in 1974, due largely to the creation of the Commission on the Aging. The total minority participation through membership rose by only .15%, from 23.8% (53) to 24.3% (59). The total number of women in 1972 (44, or 19.8%) had risen to 51 or 21%, up 1.2% as of October 31, 1974. Minorities had been added to the HRC, the Airport Commission, the Board of Permit Appeals, and the Library Commission. As of October 31, 1974, however, there were no minorities or women on six commissions (Fire, Port, Parole, War Memorial, Retirement Board, Health Service System), and no women on such important bodies as the Civil Service, Airport, Police, Port and Public Utilities Commissions.

1974 Christmas Jobs Report

The job of recruiting, counseling, referring, and hopefully, placing minority young people with downtown department stores which are members of the Retailers Community Relations Group is one of the major projects of the HRC. It has been doing so virtually since it began in 1964. The 1974 report, given, as in each year, shortly after the new year (1975) began, was a "repeat" on the discouraging 1973 report. Those primary problems were:

1. Poor communication of qualifications by stores, with different criteria in each on "appearance," availability and scheduling, "attitude," arrest records, etc.

2. The small number of jobs offered. The commitment rose in 1974 only five positions (for a total of 100) over the previous year, characterized by the HRC as a "drop in the bucket."

3. Lack of meaningful commitment to the program. The recruitment efforts of the HRC for 1974 were for jobs that, quite honestly, were low-paying, dead-end (no promotional opportunities), part-time, and temporary (for only about six weeks total on the average). The HRC coordinator, Melanie Jenkins, reported that these conditions do not make part of any effective, on-going affirmative action program, and that the HRC had no success in follow-up on whether people got any permanent jobs out of the Christmas experience.

4. Perhaps most serious from the standpoint of the HRC's not knowing what effect the program had was the unavailability of store-by-store statistics, and of an affirmative action commitment.

Thus whether the program had any kind of permanent effect on the minority participation in store employment could not be determined.

Ms. Jenkins did report that there was some change in store policies regarding arrest records, because of a real push on the part of the HRC for clarification and definition of policy regarding arrests and convictions, at least for the purpose of this program.

Staff was directed by the HRC to follow-up on four recommendations:

1. That the number of jobs and number of stores participating be increased.

2. That the requirements for employment be standardized so that they are the same for each store and that the HRC get input on what these requirements are.

3. That the program be made part of an on-going, year-round affirmative action program designed to bring minorities into all levels of the retail industry.

4. That the program be extended to high school and college students.

Department Stores' Affirmative Action Status

In natural conjunction with the Christmas Jobs Program, of course, was this 1975 report on HRC negotiations with the San Francisco Retailers' Community Relations Group to develop an affirmative action employment program.

From 1972, through 1974, reported Frank Anderson of the HRC staff, the HRC had tried unsuccessfully to accelerate expansion of the employment activities of the Group (made up of the 20 major downtown department store employers), including a specific request for employment information in a more meaningful form.

Although minority employment in the retail department store industry increased from 13% (1963) to 29% (1974), San Francisco's minority citizens, the HRC reported, still were under-represented. Women, along with minorities, were also under-represented in certain sales and management positions. The increase in minority employment was due largely to Asian and Spanish-Surname participation. Thus in November of 1974, of 9,165 employees reported by the stores, the breakdown was: Black 755; Spanish-Surname 660; American Indian 24; Oriental (the stores did not provide an Asian breakdown, i.e., Chinese, Japanese, Filipino, Korean, etc.) 1,177; Other non-Caucasians 44.

Beginning in June of 1973, the HRC staff and an ad hoc committee of Commissioners met, collectively and individually, with members of

the Retailers' Group to develop an affirmative action program, a long and tedious task, with wide-based community concern and participation (including the Baptist Ministers Conference, Employment Law Center, National Organization for Women, Arriba Juntos, Chinese for Affirmative Action, Japanese American Citizens' League). In June of 1974, the Group's initial proposed affirmative action plan was rejected by the HRC, which asked for re-submission with these specifics: age and sex, bonafide occupational qualifications, methodology for recruiting by stores, tests used, conviction record policy of member stores, listing of jobs which fall in each job group and the practice of upgrading. The HRC's requested appendix data (the appendix of the affirmative action program to be called the Employment Opportunity Program) required each store to look individually at its recruiting and hiring policies (written or informal).

Thus, in 1975, the HRC moved to consolidate its agreements and commitments with the Retailers' Group to work out a comprehensive affirmative action employment program (Employment Opportunity Program). By the end of 1975, such a program had not been yet formally worked out.

Fireman's Fund Affirmative Action Program

The culmination of well over a year's work with the Fireman's Fund American Insurance Company was announcement in February, 1975, of an Affirmative Action Program. Fireman's Fund, the largest insurance firm based in the City (in 1974 44% of all insurance jobs), is a major San Francisco white-collar employer, and writes some insurance for the City.

The HRC's Ed Vurek, an Affirmative Action Officer, coordinated the often-complex negotiations with the insurer, and praised its top officers for their becoming personally involved in their internal employment areas relating to affirmative action. A long and detailed Inter-Office Memorandum on the Equal Opportunity Program from the president and chief officer of Fireman's Fund to all management and supervisory staff was presented in full to the HRC, and it declared the objectives for the employment and advancement of women and minorities for Fireman's Fund offices nationwide. Beyond the statement of policy on nondiscrimination and equal opportunity, the company touched as well on utilization of all "human resources," and set up an evaluation procedure for officers, managers, and supervisors on their affirmative action results. A training program was set up for management staff and a fulltime affirmative action coordinator named to run it.

Mr. Vurek noted that the Fireman's Fund commitment included: expansion of its recruitment sources; budget and staff support for the Affirmative Action Coordinator; equality in benefits and salary administration as well; educational and training programs specifically designed to provide minorities and women with skill-enhancement opportunities; goals and timetables and evaluation schedules for an increase, for example, for 1975 of 3.8% (24.4% to 28.2%) in the Fireman's Fund's workforce; in-house affirmative action training; regular reporting schedules by the company to the HRC, etc.

The vice-president of personnel for Fireman's Fund and their affirmative action coordinator were present for the formal presentation of the program to underline its commitment.

Architects and Engineers Affirmative Action

Reflecting the slowdown in the nation's economy and building activity, no major projects were anticipated in the first six months of 1975 by the City's Director of the Bureau of Architecture. Most of the City contracts awarded were for schools, and the HRC worked with the Bureau of Architecture and the San Francisco Unified School District to increase minority participation through architectural firms, and the District and the City staff sought out minority architectural firms to do school design work. There were some changes in 1975 from the 1974 figures for minorities and women participating in the engineering firms that regularly receive City contracts, with a 4% gain in female technicians and a 3% gain in minority technicians.

Also in 1975 there was a very high unemployment rate among architects, and the layoff rate was equally high. The Organization of Women Architects made strong efforts to place its members, since for women the problem is not becoming a graduate of a school of architecture or even getting a first job, but advancing in the profession through the licensing procedures.

ESCMT (Engineering Societies Committee for Manpower Training), which has worked closely on affirmative action and training with the HRC for several years, concentrated its 1975 efforts toward programs aimed at increasing the supply of minority engineers. It operated a summer job and scholarship program.

Port Commission Affirmative Action

The HRC moved early to establish itself with the Port Commission of the City, specifically regarding familiarizing itself with Port Commission procedures for granting leases and contracts falling under the Nondiscrimination Ordinance. The HRC staff met also with a new Port Director and his deputy in charge of property development. The HRC itself directed that any developer chosen for development of the port's Pier 45 be made aware of obligations under the Nondiscrimination Ordinance. By year's end, proposals for the development of the entire northern waterfront area were still being discussed.

HRC Stance on Employer Use of Criminal Records

HRC involvement in this major problem, the thwarting of ex-offenders' efforts to find employment because of arrest-record policies of employers, dates back to 1969, when it began a survey of existing practices, including those of the then State Department of Employment and the Police Community Relations Unit (then working out of the Economic Opportunity Commission), attempting to place ex-offenders in jobs. In that year, the questions of arrests had been deleted from state and federal job application forms, but not the City's. The thrust was an effort to differentiate between arrests and convictions, asking employers to consider the date of the crime, the age of the offender, when the crime was committed, and asking for a consideration of the specific nature of a crime to see if it were relevant to the job. In 1971, the City revised its job application form, previously one of the most demanding and rigid, to one asking no arrest information, but for convictions in the past two years.

By 1974, the HRC's Employment Committee subcommittee was under way, and included representatives of Volunteers in Adult Probation and the Employment Law Center. The committee considered not only arrest records but also less-than-honorable military discharges and their adverse effects on the ability of ex-offenders to find work.

The subcommittee learned that more than 14,000 ex-offenders are released, paroled, etc. in San Francisco each year, joining a vast national pool of unemployables if simple arrest records are allowed. Minorities form a heavy proportion of these ex-offenders. It learned also that 90% of less-than-honorable military discharges are by administrative decisions, not courts-martial, or discharges ordered without adversary proceedings but based only on decisions of superior officers. Of 20 major Bay Area employers surveyed in 1973 by the Employment Law Center, several still required arrest data, 18 asked what type of military discharge a job applicant had, and all asked for conviction records. A U.S. Department of Defense survey of 1973 showed that 75% of all national employers would not hire a person with a less-than-honorable military discharge.

After a full presentation, with supportive speakers, at the HRC, a comprehensive Policy on Arrest, Conviction and Military Records and Their Use by Employers was adopted. The HRC found that the use of arrest-conviction and less-than honorable military discharge records in employment decisions has a disparate impact on members of racial and ethnic minority groups and could result in employment discrimination. The HRC spelled out its policy of prohibiting the use of these records in themselves as a bar to employment by City contractors. It committed itself to a public information program to all employers and pledged further efforts, through the Police Liaison Committee, cooperation with other City agencies and work with employers, etc., to hopefully increase employment opportunities for persons with arrest and conviction records.

Credit, Retirement Rate, Benefits Equality For Women

During 1975, the HRC took several formal actions indicating its support for measures to correct basic inequalities due to sexual discrimination against women. The City's Retirement Board was urged in February to act to correct inequalities in the City Retirement System based on sex. Basically, the rate for women (rate of contribution through salary deductions) was higher than for males. State law that went into effect January 1, 1975, provided that in any city over 1,000,000 persons, retirement plans requiring one sex to pay greater contributions to retirements than the other sex should be revised. This legislation was used as an example of what could be done.

The HRC also endorsed State Assembly Bill 181, which as passed prohibited denial of credit to a women regardless of marital status, if earnings and other property she manages are such that a man with the same amount of earnings and property would receive credit.

Discrimination by Foreign Investment Groups

During the energy crisis on the international scene, there became public knowledge of a number of overt and reported conditions set by some international firms requiring American businesses to discriminate in matters of employment in order to obtain foreign investment. The discrimination most notably was reported in connection with Middle Eastern companies pressuring firms regarding Jewish employees or Jewish investments. The HRC moved to investigate these charges as they might be pertinent to its jurisdiction, and passed a resolution stating that such discrimination "whether imposed on American business firms or adopted voluntarily by (them) in anticipation of ...foreign investment, is contrary to American laws and mores," and pledging that the HRC would "take whatever steps may be appropriate and feasible to correct and prevent such abhorrent practices within...San Francisco."

Affirmative Action at Candlestick Park

This report covered the third year of a five-year Affirmative Action Hiring Agreement involving the HRC, community agencies of the Hunters Point-Bayview district, culinary unions, vendors union and Stevens Corp., the food concessionaire at Candlestick Park. Negotiations for an agreement were arranged by the HRC as a result of community pressure for greater resident participation in Stevens' workforce. After the first year, the agreement called for City-wide minority recruitment.

This report, made in April of 1975, covered the period from June 28, 1974 to December 15th of that year. The basic problem, reported by HRC Affirmative Action Officer Ed Vurek, was the progressively declining attendance at games of the Giants, the professional baseball team. In 1974, the attendance declined some 50% from the highs of past years, and the effect was fewer jobs and less money to be made in certain jobs at the Park in the two categories: culinary workers and vendors. The employees work in food stands and a stadium restaurant and bar, receiving a set wage by union contract. Vendors carry food and novelty items to sell in the grandstand and work on commission.

Vurek reported 87% minority participation in the culinary workers' ranks, up from 77.4% in the previous report. Minorities made up 92.7% of the hires made since negotiation of the agreement, with Blacks having the highest participation rate among minority groups in total jobs and total days worked. Vurek's report covered in details such factors as a student employment program for the 49ers football season, the union affiliation breakdown, and operations and work experience and minority participation in the parking plaza operation of S.E. Onorato, Inc.

Semi-Annual Report on HRC Recruiters' Work

Delayed a few weeks by staff changes (the Coordinator of the Recruiters, Ms. Melanie Jenkins, left the HRC and was succeeded by Ms. Tala Suafai), this report covered July to December of 1974.

The last half of 1974 brought many staff changes, a changing economic situation and job market and some changes in emphasis and procedures. Two new recruiters hired brought representation from the Samoan and the Korean communities, joining recruiters working in the Black, Japanese, Chinese, Filipino, Native American and Latin communities. Staff held a series of staff development sessions with other complaint and compliance agencies in the City, and planning workshops and seminars on Civil Service procedures, applications, appeals, promotive opportunities, etc.

The recruiters made placements in three major areas: private industry, Comprehensive Employment Training Act (CETA) jobs and Civil Service.

In private industry the placement for six months totaled 108, down from 142 in the previous reporting period, but considered good in view of the continually declining job market. A total of 1,314 placements had been made by these recruiters in private industry (including mass referral programs since their work began with the HRC in 1972). The recruiting staff concentrated on making new contacts with private industry and widening and cementing those they had, especially since the number of private job orders slowed down significantly. Some new procedures established by the unit involved systems for referral to training programs.

HRC placed 118 people in CETA positions in three months at the end of 1974, and chalked up 386 hires for both Emergency Employment Act (EEA) and CETA positions since the beginning of the Federal programs. CETA and EEA programs were seen as vital areas of activity for recruiters since some of these jobs lead to permanent City Civil Service employment. Working in this area was particularly difficult for recruiters at HRC for one thing because the scope of the unemployment problem was so large and the scope of the solution through these temporary positions was so small. The CETA program put some 2,000 disadvantaged people to work in San Francisco, and the number of unemployed in the City at the beginning of 1975 was more than 35,000.

In City Civil Service, the recruiters were able to place 132 persons during the six-month period, or 16 more than in the previous six months. This made a total of 635 placements with Civil Service since the beginning of the HRC program. The HRC unit planned a series of workshops directed towards the writing of a simplified manual of Civil Service procedures for the office, and each recruiter took a specific area of Civil Service to become familiar with procedures. Recruiting for large classes of jobs included Deputy Sheriff, Eligibility Clerk, Junior Clerk and Junior Account Clerk. Civil Service continued throughout 1975 to be a major area of recruiter activity.

From February, 1972 through December of 1974, the Recruiters' Program placed 1,314 people in private industry (including 669 in mass referral programs), 635 people on Civil Service lists, 386 people on CETA and EEA, and 142 in non-Civil Service City jobs, for a total of 2,477.

Fisherman's Wharf Affirmative Action

This regular survey report was done early in 1975, with a summary at the end of the year, as a follow-up to the Affirmative Action Agreement signed in August of 1974 by thirteen major Wharf employers. The survey, done quarterly with an annual summary, was provided for in order to monitor the Agreement and to isolate problem areas for possible solutions. With the exception of the World Trade Club, the signators

were restaurants with four or more employees and with leases with the Port Commission. Data were collected on both visible staff (dining room and bar) and nonvisible, (kitchen, office and other personnel), with a separate analysis for the more prestigious jobs---waiter, waitress, bartender. All information was broken down by race, ethnic group and sex.

During 1974, there was an overall increase in the number of minority employees on the Wharf; in the percentage figures the rate was down by 1.5% from the preceding year. Minority women got more jobs, and dining room jobs increased by over 100, but fewer persons were employed in the kitchens. Chinese were twice as numerous in the higher-paid visible jobs. The most disappointing statistics were those showing that only 1.8% of the dining room jobs were held by Blacks, a situation not remedied by the number of Black trainees. This area--Black employment in visible and higher-paying jobs -- remained a problem.

Another problem area was the record-keeping by signator restaurants, which heretofore had not been asked for detailed breakdowns of their hiring practices and workforces. This, along with urging more active participation in training programs, was the object of greater HRC emphasis throughout 1975. Basically, the HRC noted, the restaurants were willing to make a "good-faith effort," but they needed assistance in knowing how, where and when the efforts could be most effectively directed. A special effort was made in the area of Bartender Apprentice Program participants. HRC recruited for this program and placed 5 out of 7 referrals on the eligibility list and then moved to try to persuade restaurants on the Wharf to take apprentices from this list.

Findings of the first two quarters of 1976, done in the latter part of the year, showed that new hires were 53.2% minority and 30.3% women. Promotions were 86.7% minority and 26.7% women, and current trainees were 90.9% minority and 9.1% women. Areas of concern pointed out by HRC staff included: training and promotion of women, low participation by specific minority groups in promotion and training and poor general performance by some restaurant signators. While overall statistics seemed promising, few individual restaurants, staff found, actually reflected the overall level of performance. A new Agreement was signed in October of 1975. The basic change in the Agreement was the establishment of the following goals:

Hiring -- 50% minority; 30% women.

Training -- At least one trainee minority; at least one trainee a woman.

Promotion -- 60%; 40% women.

Each leasee would henceforth be monitored in terms of specific goals, so that individual performance as well as group performance inclusive

would be measured and reported by the HRC. Training of employees also became the responsibility of nonunion restaurant signatone under the new Agreement.

The third and fourth quarterly reports of 1975 were scheduled for January of 1976.

Hotel Industry Employment and Training Survey

The HRC's predominant interest concerning the hotel industry lies in generating and expanding affirmative action programs through the employment of women and minorities. Such efforts basically are through recruitment for new employment as a result of turnover and growth, and upgrading. The industry, though not technically made up of City contractors, does come under HRC purview under the San Francisco Administrative Code, Chapter 12A, where the controlling factor is voluntary compliance.

Following the HRC's first major hotel industry affirmative action report in 1974, a number of developments enhanced the employment picture: closer liaison between hotels and HRC; increased hotel commitments (through hiring graduates of the San Francisco Hotel-Restaurant Labor Management Education Fund training program, for example); increased career opportunities via upgrading and transfer; hotel review of workforce statistics to identify particular job needs; HRC-assisted affirmative action seminars and consultation, etc.

In the Spring of 1975 report on the calendar year 1974, it was seen that total minority representation increased from 54% to 60%. Hotel statistics came from 38 member hotels of the Hotel Employers Association of San Francisco, with data also from the San Francisco Hotel-Restaurant Labor Management Education Fund, and the Hotel and Restaurant Department of City College of San Francisco training students for the hotel and restaurant field. Hotel job orders to the HRC always are made after respective union locals have been contacted for assistance. Twenty-four percent of the HRC referrals 1974-1975 were hired (15% the year before). There were important increases--in the reporting period, in minority employees in all work sectors--with the exception of Front Office, Engineering and Maintenance positions. Unfortunately, female employees remained in many of the "traditional" occupations such as clerical and house-keeping.

Minority enrollees made up from 32% (bartenders) to 100% (waiter/waitress) of the Education Fund program of training.

HRC finished out 1975 working to:

- coordinate and augment the affirmative action potential of training program graduates with hotel needs.

- review individual hotel statistics and assist in identifying particular problem areas.

- encourage the further implementation of in-house upgrading and increase promotion opportunities through the use of existing training vehicles.

Affirmative Action in the Banking Industry

HRC work on affirmative action with the banking industry dates back to 1971. Its first steps, based on studies of the minority and female participation in bank workforces, were to bring about more active and widespread recruiting from community resources and referral groups in order to increase the proportionate hiring of minorities. A second problem area is internal upgrading within the banks, based on statistics showing the concentration of minorities and women largely at below managerial and officer level. The focus of this report (covering 1974) was on what banks did internally in training for upgrading of employees.

This report covered 19 of the 24 banks in the City that the HRC monitors, banks holding at that time total City fund deposits of \$221,900,000.

Between 1970 and 1974, reported Susan Heller, the HRC's Affirmative Action Officer working with the banks, the bank workforce minority percentages increased from 31% to 38%, with minorities holding 15% of the management jobs, a 5% jump from 1970. Both minorities and women, however, tended to be clustered in lower-level management positions with lower salaries. Minority women, the report found, worked in predominantly entry-level jobs, and filled only 7% of the management positions or formed only 6% of the management training program enrollees. Though about one-quarter of all bank employees were considered officials and managers, the category was not totally reflected in pay levels, especially for women and minorities.

The HRC was concerned in three basic kinds of training programs: entry-level, management training, and upgrading, the latter especially. Problem areas of particular HRC concern included:

- the practice in most banks of requiring that employees be "identified" by supervisors in order to be promoted or trained.
- the relatively few programs in training geared to employees, mainly minorities, for promotion from entry-level to higher-level nonofficer positions.
- the need for greater emphasis on career counseling.

Affirmative Action With Insurance Companies and Brokers

The insurance industry in San Francisco is a focus of attention of the HRC because of its high employment potential. This 1975 report covered staff activities with those companies and brokers subject to the Nondiscrimination Ordinance. These firms were a small percentage of the total insurance industry, however. There was a significant slowdown in turnover, which even in normal times is light, due to the economic recession. One company that had filled 700 jobs in 1974 projected only 250 to be filled in 1975, for example, and these through attrition and turnover.

The HRC focus in the insurance industry was overall employment of minorities and utilization of women in jobs above the clerical level, that is, as managers and officials, professionals, technicians and in sales. Early reports showed serious deficiencies in these latter areas in most companies. Overall employment of minorities was well below San Francisco population figures. Although women held 50 to 60% of the total jobs, they were grossly under-represented in the above-clerical categories.

The HRC could report, however, that periodic reporting on employment activities during the year indicated steady progress in most of the companies. One constructive result of employment complaints was that employers evaluated and redefined their equal opportunity employment and affirmative action policies.

Statistics indicate that insurance companies have established procedures that result in the increase of minority employment. These procedures generally operate at the entry level with outside referral sources. Less progress is evident for minorities (especially males) and women above clerical levels. These above-clerical positions usually require some basic insurance experience and training and are less likely to be filled from job referral agencies. Companies tend to depend on promotion and inside training.

Though the subject companies used outside referral sources to increase minority employment, they still tended to depend on promotion and inside training to fill above-clerical-level positions, resulting in fewer opportunities for minorities and women already under-represented.

It had to be conceded, however, that the national economic crisis, resulting in job freezes, had a severe effect on affirmative action.

The thirteen companies involved in the HRC compliance process had a total of 4,523 jobs, with women holding 54% of them--27% of the positions above clerical. Minority groups held 27.1% of the jobs in insurance companies and 12.3% of the above-clerical positions.

The successful negotiation of an affirmative action program with Fireman's Fund American Insurance Co. was the most "visible action" during the year, since it is the largest insurance firm in the City, and since it made considerable commitments.

Among insurance brokers, where a more advanced level of experience is required of employees, minorities number 18% of the total workforce and 8.4% of above-clerical positions. Women held 20.9% of the above-clerical jobs.

The HRC continued its negotiations with individual companies and brokers were specific remedies for problem areas remained, with a priority, particularly among brokers, for further in-house training.

Insurance people with whom the HRC dealt acknowledged that since it had been the first governmental regulatory agency to become involved locally in insurance industry affirmative action, its influence had been significant.

Apprenticeship Council Affirmative Action Plan for Women

After a presentation by Ruth Drossel, chairperson of the Committee on Apprenticeship Opportunities for Women of the California Apprenticeship Council, the HRC adopted a number of specific recommendations regarding widening opportunities for women in apprenticeship. Ms. Drossel and many others had worked long for amendment of the California Apprenticeship Council's Plan to include women. The Cal Plan was adopted in January of 1971, and the amendments to include women in 1976.

With women in California 40% of the workforce, and with most of them heads of households, working wives, etc. and clustered in three occupational groups (professional-technical, service and clerical/sales), they no longer could be considered an adjunct to the labor force. In 1975, there were 232 women apprentices in the state. Thus, it was clear that action was necessary to bring women into apprenticeship.

The HRC agreed to:

- urge the Acting Chief of the Division of Apprenticeship to enforce the Labor Code Section providing for the training of apprentices on state public works at 1 (apprentice) to 5 (journeyman) ratio

- recommend that the California Apprenticeship Council request a recruitment program for new apprenticeable occupations, e.g., health occupations

- request its Contract Compliance staff to continue requesting employers to estimate the number of women apprentices to be used

- have its Youth and Education Committee inquire into the needs of through 12th-grade women students for vocational programs

Affirmative Action in City-Funded Construction Projects

This report, made semi-annually each year, covers one of the major areas of work of the HRC, that power given it specifically in its mandate to effect affirmative action by City contractors. The report in 1975, as in recent years, was done by Stanley Lim, the HRC's veteran Contract Compliance Officer, in cooperation with the Employment Contracts Compliance Officer of the Public Utilities Commission.

Lim reported that the HRC concerns remained fairly constant in their focus on minority and female participation in the building trades, emphasizing apprenticeship. The status of City-funded construction by mid-1975 was relatively active, seemingly at that point not much

adversely affected by the economic recession. The number of public contracts in progress under HRC monitoring, indeed, reached a new high of 31, plus a private project being built on City land. The majority of the contracts, however, were awarded more than a year earlier. For the first five months of 1975, no City contracts of substantial size were awarded.

Based on an analysis of the total hours worked in all trades in 32 projects in this mid-1975 report, the ethnic workforce breakdown was: White 56.6%; Spanish-Origin 18.6%; Black 19.8%; Native American Indian 2.3%; Chinese 1.6%; Japanese 0.3%; Filipino 0.3%; and Other Non White Minority 0.6%. The total for minority workers was 43%, or 507 persons out of 1,167. The minority total was nearly 2% higher than the previous year, but 2% lower than six months earlier, mainly due to decreases in minority apprentices.

While Spanish-Origin, Blacks, and Native American Indians retained their relatively high level in the various trades, the Asian groups (Chinese, Japanese, Filipino) did not show significant increases since the HRC started keeping separate statistics for each group. Especially under-utilized were Filipinos, and more intensive recruitment efforts were planned for this group. Three reasons were cited by Lim as factors in the low participation for Asians:

1. No City-funded construction projects of any significance in residential areas of Asians.
2. Differing parental positions on upward mobility cause some not to encourage their children to enter the building trades.
3. Attitudes by some employers that Asians are not large or strong enough for construction work.

Excluding the noncrafts, on a trade-by-trade basis, high minority representation was found among bricklayers, cement masons, lathers/plasterers, drywall installers and painters, all showing from 39.5% to 67% minority workers.

The HRC analysis of individual projects showed a direct relationship between the ratio of minority involvement and those trades where minority groups showed prominence in membership.

For the first time in many years, the HRC reported minority apprentices under 50%--48.6%. The reason, as far as could be determined, was related to job availability; however, by natural progression, it was assumed that some of the minority apprentices indentured a few years back had since been promoted to journeyman and foreman classifications.

Early in 1974, the HRC reported on the first women apprentices in City-funded construction. From then until mid-1975, a total of seven female workers were on HRC-monitored jobs.

Other developments in this major HRC work area were:

- Approval by the Office of Federal Contract Compliance of the inclusion of the HRC program in any federally-assisted contract.

- Handling of complaints, usually settled with informal discussion.

- Preparation relating to the development of the Yerba Buena Project affirmative action program.

Bayview-Hunters Point Memorandum of Agreement

This extensive staff report by Stanley Lim, HRC Contract Compliance Officer, was an evaluation of the Memorandum of Agreement as it applies to City construction contracts in the Bayview-Hunters Point area of the City, including narrative and statistical documentation, and a breakdown showing the placement of resident apprentices by the BV-HP Affirmative Action Program staff over the five years 1971-1975.

The Memorandum of Agreement, negotiated by labor, management and community people, and with major participation by the HRC, was due to expire in November of 1975, though it was subject to automatic renewal for one year if none of the signators decided to terminate or renegotiate it.

One of the most unique parts of the Agreement is that the employment goal of no less than 50% of the workforce in each craft should be from the Bayview-Hunters Point area. Mr. Lim's report stated that "the ambitious employment goal of 50% residents per craft was important from the community's standpoint, but...it should be viewed as a goal and not as a fixed numerical quota in that context."

Major problem areas reported by Mr. Lim included the fact that not all construction trades were included in the Agreement, the lack of clear guidelines for enforcing it as far as unions and management were concerned, lack of full cooperation of the Administrative Committee, lack of full utilization of the Craft Evaluation procedure and failure to organize a pre-apprenticeship training program.

The highest proportion of residents in City contract jobs in the Bayview-Hunters Point area was 49.5% in September of 1972; the lowest was 34.4% in March of 1975. Most trades, from September 1972 to September 1975 maintained at least 50% residents as apprentices, and in several cases there was 100% resident employment.

The HRC called on all parties to the Agreement to consider the areas of concern its report had pinpointed and to work cooperatively with one another toward the common goals of the Agreement. The HRC's position was hopefully to be the lever for further joint discussions with the Agreement signators and others for making more progress in reaching the goals originally set.

Endorsement of Greater Apprenticeship Opportunity Plan

After a full presentation before the HRC by proponents of amendments to the State of California Plan for Equal Opportunity in apprenticeship, the HRC voted endorsement. Its action came as a natural follow-through on its long record of addressing the imbalance of minorities in various vocations through the structure of the apprenticeship programs of trade unions and its more recent involvement with getting women into apprenticeships. The proposed amendments were to include women in the California Plan so that they could be afforded the advantages of the sanctions and positive recruitment procedures used in the California Plan. The HRC position of endorsement of these amendments was represented at the public hearing of the California Apprenticeship Council early in January of 1976, and they were adopted.

Jobs-Building Planning for Hunters Point Naval Shipyards

The HRC's Director and members of the staff met in the spring of 1975 with representatives of the metal trades unions and of four community employment and training projects regarding a joint City-wide job training program, to be instituted when the shipyard, deactivated at the first of the year by the U.S. Navy, returns to ship repair operation. A follow-up meeting was scheduled for later in the year, hopefully to find a basis for a cooperative program between union groups and minority community organizations.

HRC Position on Flexible Hours

Along with part-time employment and the concept of job-sharing, the use of flexible hours in employment has been promoted as (1) an affirmative action technique, (2) progressive working conditions for everyone, and (3) a means to lower traffic congestion during peak periods. While the HRC has been concerned for a number of years with all three points, in 1975 its interest focused on the use of flexible hours as an affirmative action tool, particularly as a way to open up job opportunities for women, especially minority women, who also have family responsibilities. HRC action on this front took the form of federal legislative endorsements in 1974 and in 1975. At the state level, the Employment Committee reached the conclusion that flexible hours should be enacted by Executive Order and not through legislation as a means of reaching its goals more effectively.

Ruling on Lawsuit vs. HRC by Women Organized for Employment

This suit was brought by WOE after the HRC and its Employment Committee and its then Director denied the WOE request to see the Affirmative Action Agreement negotiated with the Fireman's Fund American Insurance Company. The HRC in 1974 had made a commitment in negotiations not to make the agreement public. The case went to Superior Court under a suit brought by the Employment Law Center for its client WOE. The ruling in the late fall of 1975 by the Court was that the HRC must provide WOE with a copy of the Affirmative Action Agreement.

Part-Time Career Opportunity Act

HRC endorsement of S. 2022, the Flexible Hours Employment Act introduced by Senator John Tunney, was in line with its utilization of the flexible hours and part-time employment issues as components in affirmative action programs. A related bill, also endorsed, was S. 792 which, with a companion House of Representatives bill H.R. 2305, required that the goals and timetables applying to flexible hours employment also apply to part-time hours. HRC endorsement was with its expressed concern that fringe benefits be required for part-time as well as full-time employees (proportionate to the time they work).

Sexual Orientation Discrimination Complaints vs. Pacific Telephone

In 1972, the HRC received a complaint alleging that the complainant could not be hired at Pacific Telephone & Telegraph Company because of its discriminatory policy, which at that time read "we do not knowingly hire or retain in employment, homosexuals." The City Attorney provided an opinion to the HRC that it did not have jurisdiction and the complaint was not officially processed. HRC did continue to meet with PT&T in an attempt to get the company to change this discriminatory policy. That policy was altered, to say that the company did not hire people who, in their view, would cause "problems involving customers and personnel...including, but not limited to, any manifest homosexual." They stated also that they would not discharge employees solely for homosexuality.

In 1973, the Pride Foundation, a California organization active in gay affairs and advocacy, filed a formal complaint with the HRC alleging that PT&T's policy regarding homosexuals was in violation of the Nondiscrimination Ordinance through the utility's contract with the City Department of Public Works for the installation of coin-operated telephones on public property. The HRC this time was told by the City Attorney that it had jurisdiction. The process of formal notification and investigation was then launched in 1973. An amended complaint was filed in 1975. PT&T replied to the complaint on September 18th, and at year's end there still was no final resolution, but the Director of the HRC was expected to issue a finding in early 1976.

Civil Service Complaints and Affirmative Action

This comprehensive report, made annually for the past several years by Frank Anderson of the HRC Employment staff, covers the previous year (in this case 1974) during which complaints involving employment in the San Francisco Civil Service System are dealt with by the HRC. In 1974, staff tallied 158 such complaints, a 33.9% increase over the 118 in 1973. When a citizen claims discrimination and/or unfair treatment in employment involving Civil Service procedures, that person has recourse by filing a complaint with the Civil Service Commission. However, two-thirds of the people who contact the Human Rights Commission are unaware of the rights of protest and appeal. Thus, the HRC work.

The 1974 increase in cases was due in part to the high employment caused by a national economic recession and a significant increase in the numbers of persons applying for City jobs. Also, as the availability of the HRC becomes better known, there is a natural increase in the case workload. The HRC's involvement with Civil Service established the CSC as a project priority because:

- The CSC is the largest employer in the City.
- HRC's affirmative action focus is to effect institutional change in employment systems (i.e., CSC) that affect the livelihood of the disadvantaged in the City.
- The HRC as a City department is a part of the CSC system.

The HRC's major purpose in its overall involvement in this work is threefold: to provide information to persons of their rights and to assist to them in dealing with the complexities of the Civil Service System; to solve or resolve the complaint fairly and satisfactorily; and to make recommendations to prevent the reoccurrence of the problem.

Eighty-five percent of the complaints brought in 1974 to the HRC were settled satisfactorily through conciliation at the Civil Service administrative level, or were dismissed. Thus fewer than 15% of the complaints were actually heard in formal hearings before the CSC in 1974, compared to 25% in 1973.

Seventy percent of the 158 complaints were charges against the CSC or a City department alleging race as the basis; 20% claimed national origin; and 10% cited sex as the reason for unfair treatment.

The HRC's affirmative action objectives are:

- to assure that only job-related and valid selection procedures are used and to eliminate artificial barriers in the employment system.

- to use aggressive affirmative recruitment programs to reach disadvantaged groups in the City.

- to continue to involve City employees' unions and community organizations.

- to provide training and upward mobility programs for employees to enable them to overcome the effects of past discrimination and compete for higher-level positions.

Embarcadero Referral Service

The establishment of this office in this high-rise office complex in the Financial District grew out of HRC concerns for minority participation in Center employment dating back to 1972. ERS basically is a minority and female employment referral service to the tenants of the Center, operating a program worked out over this three-year period by the HRC, Center management, the U.S. Department of Housing and Urban Development, and the Redevelopment Agency. Participating firm members make annual contributions of from \$300 to \$2,500, and at the opening, in late 1975, 17 firms were participating. A Board of Directors included an ex-officio minority community representative. The opening of this service was seen by HRC members as a significant and pioneering achievement, gained after painstaking negotiations and planning beginning in March of 1972.

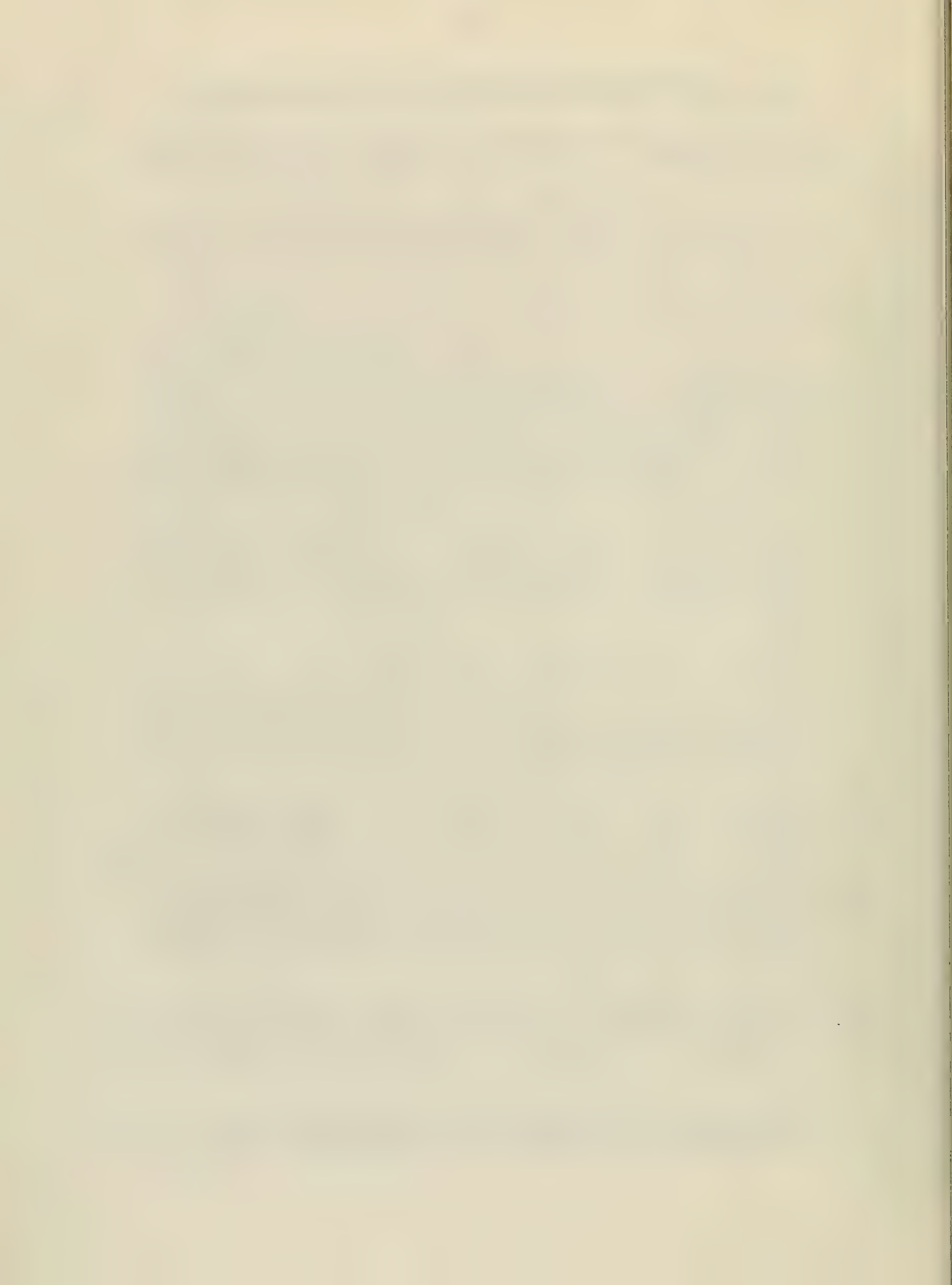
Annual City Workforce Ethnic Breakdown Status

The HRC had conducted this survey regularly for a number of years prior to 1972, when the Equal Employment Opportunity Act gave the Equal Employment Opportunity Commission jurisdiction over local and state governments requiring specific reporting by the City on its workforce to the federal government.

The EEO-4 (the name of the federal reporting form) Coordinating Committee includes the HRC as a member. This committee in 1975 encountered extreme resistance, even hostility, from some City departments in completing this report. Work on updating the compilation was begun in 1973 and by late 1975 still was not completed. The survey, when finally published, will cover the City's workforce as of June 30, 1974. At one point it was found that only 14,000 return forms for individual employees were in, whereas the City's workforce was approximately 21,000.

The City's Civil Service Commission was designated the implementation agency for this survey, with the HRC thenceforth relieved of the responsibility but still very active in trying to get full compliance in reporting.

It was hoped that the survey would be completed by March 1, 1976. Preliminary work on the survey for Fiscal 1975 was underway, but could not be implemented until Fiscal 1974 was completed.



H O U S I N G

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Fair Housing For Children Coalition

Traditional HRC concern for the problem of discrimination against families with children in the housing market in the City led to its deep involvement with a Fair Housing for Children Coalition that formed to re-introduce an ordinance that had been introduced in 1974 by Supervisor Quentin Kopp but defeated.

Given the cachet of the HRC's formal endorsement of the Fair Housing for Children Coalition, HRC Housing Representative Edith Witt and a volunteer colleague, Anne Rubenstein, devoted many hours of effort in planning strategy and building background and support for the ordinance. Supervisors Gonzales, Mendelsohn, Nelder and Pelosi sponsored it this time. The HRC's resolution committed its support and name to the Coalition and stated the HRC position that the "single greatest impediment to adequate housing for families with children is the discriminatory refusal of owners of private housing units to rent to (them)...."

Altogether, some ninety-one organizations endorsed the proposed anti-child-discrimination ordinance. They included tenant organizations, social service agencies, neighborhood associations, ethnic groups, churches and agencies, unions, housing advocacy groups, educators, legal advocacy groups, etc.

One of the most effective of all documents produced during the long weeks that preceded Board of Supervisors' action on the proposed ordinance was the HRC's "San Francisco, Where Do Your Children Live?" This 24-page booklet (see separate section in this report) was researched and written by Anne Rubenstein and was a journal of interviews and apartment-searching she undertook personally. The journal covers six weeks, and the interviewees told of official indifference, open discrimination, subtle or disguised discrimination, overcrowding, displacements, inflated rents, substandard units, landlord price "premiums" to rent to children, single parent problems, immigrant newcomer dilemmas, committees and school districts losing families, evictions for having a baby, etc. Ms. Rubenstein's interviews and her own personal search (see below) in San Francisco for an apartment for herself and two children made dramatic impact with their chronicle of the appalling situation facing families.

Finally, on August 13, 1975, after passage by the Board of Supervisors, a veto by Mayor Alioto and an override of the veto by a margin of 9 to 2 by the Board, the Fair Housing for Children Ordinance went into effect. The essential provisions of the ordinance are:

- 1) Any landlord or landlord's agent is prohibited from discriminating against a tenant on the basis of children in the family. Acts of unlawful discrimination include:
 - a) Refusing to rent because of potential child tenancy;

- b) Telling a person with children that housing accommodations are not available when in fact they are;
 - c) Advertising that housing accommodations are not available to people with children;
 - d) Establishing different terms and conditions for rental of housing accommodations because of child tenancy;
 - e) Including a provision in any rental agreement that a condition of tenancy is being and remaining "childless."
- 2) Minimum floor space standards require that at least one room of a housing accommodation is not less than 120 square feet of superficial floor area and that studios housing 2 people have a main room of at least 184 square feet.
 - 3) An established residence for persons of age 62 or older is the only exception to the ordinance.
 - 4) Prospective tenants with children may not be discriminated against in the amount of rent, deposits or other fees, but the landlord may require the same financial obligations required of other tenants.
 - 5) The penalty is an infraction with a possible fine of \$250 to \$500. Any person believing that a violation has been committed may file a complaint with the District Attorney.

Complaints could be registered by the public with the Council for Civic Unity, the HRC, Children's Rights and the Children's Center, and the HRC cooperated with publicizing the existence and conditions of the ordinance as widely as possible.

In a year-end summary report on the first three months of operation of the Fair Housing for Children Ordinance, it was noted that the City of Berkeley also passed a similar ordinance, partly as a result of activities of the San Francisco Fair Housing for Children Coalition. After passage of the San Francisco Ordinance, the Coalition and the HRC turned attention to the metropolitan daily newspaper classified columns. The Ordinance prohibits owners or brokers or their agents from advertising rental units indicating "No Children" (i.e., preference for adults). An effort was made to inform the papers and advertisers of this provision, and a policy statement to that effect was received from the San Francisco Newspaper Printing Company saying advertisers would be told of this legal condition. Though the ads after several months of the existence of the Ordinance did show a significant drop in those saying "No Children" or "Adults Only," it did not necessarily mean this form of discrimination had been eradicated.

The HRC received a number of telephone calls from property owners asking for information on how to comply with specific sections of the Ordinance. Some complaints, well-documented, were filled by the HRC with the District Attorney. The number of complaints to the HRC did drop, evidence of the success of the new Ordinance, but there remained more subtle devices such as saying apartments were already rented once it was learned children were among potential tenants.

"San Francisco, Where Do Your Children Live?"

This journal of interviews and apartment-searching, conducted and written by Anne Rubenstein, an HRC volunteer, grew out of a survey undertaken in order to document the problem of families with children seeking rental (mostly) and purchase property in the City. The HRC had stated in 1974, after defeat of a proposed ordinance to Prohibit Housing Discrimination against Children, that it would continue to offer its assistance to the parents and organizations in their effort to secure a solution to the problem.

Ms. Rubenstein's 24-page survey, widely distributed and covered in a local newspaper feature article, chronicled six weeks of investigation through personal interviews of the status of rental housing discrimination against families with children. After contacting 22 individuals and organizations, Ms. Rubenstein personally tried through want ads and real estate agents to find an apartment that would accept children. She wrote, "I learned really firsthand that the City of St. Francis does not welcome children. I have not met a person yet who does not deplore the prospect of San Francisco becoming a City without children. That is a long-range prospect and deserves sober attention; but there is an immediate problem that calls for immediate action; namely, housing for the poor and moderate-income families of San Francisco."

Ms. Rubenstein said that the problem is not confined to any one income group, but faces even those who can afford expensive housing. Since all public housing units in the City have long been filled, with impossibly (up to three years for some) long waiting lists, that resource does not exist. Families who cannot afford to move out of the City have to remain in substandard or inadequate housing -- and continue to search. In addition to quoting from agencies and individuals on the subject of the need for housing, the unavailability of any decent, moderate or low-income units, the hostility of renters, etc., Ms. Rubenstein's journal was perhaps most telling in the account of her personal experience. Using the Sunday want ads, eliminating everything less than three bedrooms for a man and wife and two children, she found 65 possible apartments. Twenty stated in the ad or on the phone that they would not accept children. Thirteen had fee agents. Five were more than \$700 a month. Fifteen ads could not be contacted. All in all, six of the 50 which could be contacted would accept children, at rents from \$300 to \$550. Eight real estate agents contacted said they had nothing that would accept children. Of 14 listings in one real estate agency,

9 refused children outright, 3 would consider children under certain unspecified conditions and two refrained from answering the question.

Ms. Rubenstein's candid summation: "Overall, my impression is that there is no choice at any price, given a limited time for searching. A family may find one place at a particular rental -- but that's all."

Opposition to Demolition of Hunters Point Housing

In early 1975, the Housing Committee held a special meeting with community representatives to follow-up on its December, 1974 position regarding the threatened demolition of 191 units of public housing at Hunters Point. The HRC's 1974 position was that the 191 units should not be demolished by the U.S. Department of Housing and Urban Development.

The dilemma that confronted the HRC as a matter of policy was that if old housing is destroyed before new housing is built, or if rehabilitation possibilities are ignored, people are, in effect, thrown out into the street. Yet the 191 units were sub-standard. The Bayview-Hunters Point Joint Housing Committee contested the HRC position. After the special meeting in early 1975, the HRC stood by its opposition to the HEW's demolishing the 191 units, but added that construction should proceed in two other project areas of the Hunters Point redevelopment program.

City Housing and Community Development Program

During the year, and especially during the first half of it, HRC staff in housing worked regularly with community groups providing input for development of the Final Proposal on Community Development and Housing. There were public hearings, after which the Proposal, with revisions, was prepared by the Department of City Planning and the Mayor's Community Development Office.

The four major Community Development Programs for 1975 were: to conserve existing housing; to develop new housing; to improve neighborhood equality; and to undertake economic development activities. The preservation and rehabilitation of existing housing reflected the sentiment of the majority of the community and this fact was acknowledged by the City officials who came to the HRC for a full presentation and discussion on the Program. A Housing Assistance Plan was part of the application that the City made for federal funds under its Master Plan. In San Francisco, the Plan sought to promote housing in areas that were not impacted by low-income or minority persons, to further the efforts toward integration of low-cost housing and to provide housing in areas undergoing the community "revitalization process."

Policy Stand on Housing and Businesses in Japantown

The HRC took action in support of the efforts of residents of the Japantown area in the City to deal with problems of housing and small businesses in the face of some redevelopment policies that demolished housing and displaced long-established but small business concerns.

Working with the Committee against Nihonmachi Evictions (CANE), the Japanese-American Citizens League, the Japanese-American Religious Federation and the Western Addition Project Area Committee, as well as the Redevelopment Agency, HRC housing staff researched, and the HRC adopted, a policy resolution calling for an increase in low and moderate-income housing and the preservation of small businesses in Japantown.

In 1942, the American government relocation actions sent virtually all the residents of Japantown (a part of the City's Western Addition) to internment camps in California and western and midwestern states for the duration of the war. Though most of the Japanese residents of the area returned after the war, with the beginning of redevelopment activities in the 50's in the City, they faced displacement and relocation again. The concerns of residents and small businesses were heightened when they saw commercial, expensive or tourist-oriented buildings replacing their modest residences, flats, apartments and traditional businesses.

As the Redevelopment Agency moved into a third phase of its demolition and building plans for the area, community opposition grew. It announced it intended to proceed with planned evictions of residents and businesses and to open bids for sale of those buildings designated for rehabilitation.

The HRC formal resolution recommended that the Redevelopment Agency rehabilitate as many residential buildings as possible, and that bidding and evictions not go forward until federal, state or other programs are available to enable persons and businesses to remain, and it supported the efforts of the Redevelopment Agency to get the national rehabilitation loan and grant program refunded.

Housing Demolition Ordinance Action

The HRC was acting on past policy when it became concerned in 1975 with a draft demolition ordinance introduced by Supervisor John L. Molinari that would govern the issuance of demolition and alteration permits in the City. The HRC has held previously that there should be a moratorium on demolitions and urged that standards for the issuance of such permits be made with consideration of the impact of demolition on the low and moderate-income housing stock of the City.

The proposed ordinance for the City was debated for many months by the Board of Supervisors and the community, with strong opinions from all sides of the issue. HRC involvement dated from 1968, from which time it had worked with community groups, the City Planning Department and the Bureau of Building Inspection on the basic problem of what happens to tenants when they are displaced by demolition action of building owners.

The basic provision of the proposed ordinance was that in order to obtain a demolition permit from the Bureau of Building Inspection, for a building of three or more units, owners would have to meet the additional requirement of assuring comparable relocation housing for low-income tenants who requested it. It was pointed out in HRC discussion that the cost of relocation to owners would not be a universal one, since in practice very few buildings are demolished. Commissioners were reminded that the HRC has a long-standing concern about the City's near-zero housing vacancy rate, and of its stand that nothing should be demolished from the low-income housing stock unless alternate housing for the displaced tenants existed.

This one issue generated a great deal of HRC debate before it acted, on a vote of 9 to 2, to support the Demolition Ordinance and urge its passage by the Board of Supervisors.

As it turned out, the Demolition Ordinance was defeated on a vote of 7 to 4 at the Board of Supervisors.

Subdivision Ordinance

HRC interest in this Ordinance, prepared by the City's Public Works and Planning Departments to apply to all development (particularly condominiums and condominium conversions) in the City of five or more units, continued in 1975. The HRC previously had called for affirmative action sales programs; provision for preserving and increasing housing for low and moderate-income persons; clear definitions of low and moderate income; minimizing displacement of residents and the impact of eviction; and greater citizen participation. Before final passage of the Ordinance took place, the HRC made two main recommendations to the Board of Supervisors:

- 1) That a developer be required to have an affirmative action sales program. This requirement was contained at final passage.

- 2) That in any development of fifty or more units, a developer be required to seek government subsidy in order to have 20% of the units for low and moderate-income families. In the Ordinance as adopted finally, this figure was lowered to 10% of the units.

S O C I A L P R O G R A M S

Endorsement of Atomic Radiation Victims Bill

State Senate Bill 15, to provide treatment at a California Institute for Research and Treatment of Nuclear Radiation for any California resident suffering from atomic radiation, was endorsed by the HRC. Some 500 Californians all told would be eligible for the benefits, with some 50 in the Bay Area. It was strongly endorsed by the state-wide Task Force on Atomic Bomb Survivors. The bill died in committee.

Committee Statement Protesting Food Stamp Cutbacks

An Administration plan to substantially alter the Federal Food Stamp Program, requiring a minimum 30% payment of stamp values, thereby effectively cutting off many poor people from the program, was due to become effective March 1st. The Congress voted in both houses to nullify the action, but in advance of this vote, the Social Programs Committee adopted a Statement Urging Cancellation of the Federal Food Stamp Cutback Plans. Some 2,000 copies of this Statement were distributed by the HRC to nine food stamp agency outlets in the City, where they were given to clients as part of the HRC's community information efforts.

Mission Neighborhood Health Center Crisis

Continuing into 1975 were HRC efforts to help resolve this major community issue, arising out of decisions by the U.S. Department of Health, Education, and Welfare on re-funding of the Center. Two groups were seeking control of the Center, which served thousands of out-patients in the Mission community. They were the long-incumbent Citizens Health Affairs Program board and the Mission Area Health Associates. At the Committee level, HRC met with representatives of both groups several times, with the HEW Director of its Division of Health Services and with the City's Director of Public Health to try to reconcile differing positions. The HRC concerns finally were communicated in a letter to HEW urging that the department continue its commitment to high-quality health care delivery for the Mission community, and it become more affirmatively involved in "resolving present tensions and outlining the problems which it has identified." The HRC's role was as mediator, without partisanship on the issue of grantee designation. After several extensions and much public controversy HEW named the Mission Area Health Associates as the grantee.

Pacific Telephone Response to HRC Multi-Lingual Service Suggestions

This issue also was a carryover from 1974's efforts by the HRC to obtain some commitment by Pacific Telephone for improvement of service to the multi-lingual needs of its subscribers and patrons. The HRC recommendations included having phone book insert emergency direction pages in four languages (English, Spanish, Chinese and Tagalog); instruction cards in public phone booths, especially in heavily Spanish or Chinese neighborhoods, in at least one language other than English; bill inserts giving emergency assistance directions in four languages; the use of foreign-language newspapers to publicize emergency service instructions; and further ethnic community informational steps, with HRC cooperation, to advise on these services.

In February of 1975, after two postponements, Pacific Telephone representatives met with the HRC staff to discuss the recommendations, some of which had been agreed to by the company earlier. At the February meeting, however, Pacific Telephone announced it would not follow through with any recommended steps, but would stand by the commitments it already had made to the 9-1-1 Ad Hoc Committee then making plans for implementation in the City of a 9-1-1 emergency telephone system. Though scheduled to be under way in September of 1975, 9-1-1 did not, in fact, begin then because no local funding for implementation was voted by the Board of Supervisors.

State Senate Bills 411 and 412 were endorsed by the HRC as an indication of its position regarding bilingual emergency service. These bills, which did not pass, however, would have directed the Public Utilities Commission to require telephone companies to publish bilingual or multilingual directories in service areas where 3% or more of the population speaks a primary language other than English, and to require bilingual, full-time personnel as well.

9-1-1 Emergency Telephone System Planning

During 1975 the HRC continued to be represented in planning sessions of the City's 9-1-1 Ad Hoc Steering Committee. Though a great deal of work was completed by this Committee, including establishing timetables, acquisition of much equipment by Pacific Telephone, and detailing of various departmental responsibilities, the major impediments were financing and staffing. Since the state legislation provided no money, and local financing was required, the 9-1-1 System, due to be put into action in September of 1975, never got off the ground. The HRC added its voice to those urging the Board of Supervisors and Finance Committee to appropriate the needed monies. Long-range efforts for federal financing were undertaken by the Ad Hoc Committee leaders, but San Francisco continued to be without this important social service.

Legislation Endorsements

Among the bills supported by the HRC on recommendation of the Social Programs Committee were:

- AB 1994, authorizing the Board of Medical Examiners to approve programs in medical schools for the retraining of foreign medical graduates for the purpose of aiding in their qualifications to practice medicine in California. The HRC in past years had paid heed to the plight of medical and other professionals, whose degrees and experience in other countries are wasted in the U.S. because of the difficulty in obtaining licenses to practice.

- HR 6219, the extension of the Voting Rights Act of 1965. The provisions of the Act considered vital to preserve by extension included those that (1) enabled the federal government to send federal

registrars and observers into areas where there is evidence of discrimination in federal elections and (2) required any state or locality covered by the Act to clear changes in voting laws or procedures with the U.S. Attorney General before putting them into effect.

Medical Malpractice Insurance Issue

As a result of widespread anxiety about the medical malpractice issue, doctor strikes, the spiraling cost of medical care, etc., the Social Programs Committee brought to the HRC a Statement of Concern which it sent to Sacramento to the State Legislature. The Statement, adopted by the HRC as a resolution, reads:

"While not recommending a formal HRC position on this complex issue, the Social Programs Committee does wish to go on public record as having great concern that the heavier burden of the lack of medical care will fall, as always, on those who have the least power in our society, i.e., the poor, the elderly, the ethnic minorities. When, eventually, hospitals begin operating with all services again, and when all physicians and surgeons are practicing under some kind of insurance coverage, the greatly-increased costs of these services will make decent health care for the poor, the elderly, and the ethnic minorities who are low-income even more difficult to obtain, unless special effort is made to protect these groups in any legislative solution to the problem."

Handgun Control Endorsement

HRC's position favoring control over the possession of handguns by private individuals dates back to 1969 when a piece of legislation submitted at the federal level was endorsed. Over the years, the HRC has kept abreast of efforts to secure legislative control over the proliferation of handguns and the attendant high homicide and crime rate, and in 1975 staff met with a group called the Northern California Coalition for Handgun Control. The Coalition grew out of a Mayor's Council for Criminal Justice Committee that adopted a set of standards as its position on handgun control throughout the state. Organizations endorsing the Northern California Coalition included the California State Bar, the San Francisco Bar Association, the NAACP, the American Jewish Congress, and numerous Supervisors, judges, etc.

The HRC formally endorsed the Coalition, which merged with a southern California group to become the Committee for Handgun Control and began preparations to launch, in early 1976, an initiative petition to place a legislative measure for control of handguns on the ballot.

HRC Recruitment of Bilingual City Election Aides

The HRC was asked by the Economic Development Agency of the Office of the Mayor to assist in the recruitment and coordination of the hiring

of bilingual people to act as judges and inspectors for the November 4, 1975 City elections. The 1975 Voter's Act, signed by the President in August, made it law that any precinct with a minimum of 5% of a given minority group must offer the opportunity to have voter information in the native language of those residents. In San Francisco, the handbook and ballot were printed in Spanish and Chinese, in addition to English, and were distributed by the thousands by both the City Registrar's Office and a score or more community organizations contacted by HRC staff. Half of San Francisco's 942 precincts appeared to have 5% or more minority residents. Some 100 persons were recruited to serve as bilingual judges and inspectors by the HRC to translate for voters in Spanish, Chinese (Mandarin and Cantonese) and Tagalog. Although undoubtedly some people were helped to exercise their franchise through these efforts, the Social Programs Committee, for the HRC, continued to press the Registrar of Voter's Office and the City to provide more comprehensive and more accessible voter assistance for those whose first language is not English.

HRC assistance to the Registrar of Voters in November, 1975 included: preparation of news releases in Spanish, Tagalog and Chinese advising citizens of assistance available; distribution through HRC community liaison staff of some 500 Chinese and 500 Spanish-language voter handbooks to community agencies; translation of Registrar news releases by HRC staff into Spanish and Chinese; and appearances by HRC staff on Spanish and Chinese-language radio and TV service announcement spots, etc.

Opposition to Food Stamp Cutback Legislation

The HRC adopted a formal Resolution Opposing Any Federal Food Stamp Legislation Reducing or Drastically Altering the Intent of the Program after full Committee consideration and recommendation. The issue arose when there appeared in the Congress a number of bills, some with Administration support, that would have reduced drastically the numbers of people eligible for Food Stamps. The Secretary of the Treasury made a widely-quoted statement at a Congressional committee that the Food Stamp program is a "haven for chiselers and rip-off artists," while the Committee learned that the Agriculture Department found in a survey that fraud existed in only eight one-hundredths of 1 percent (.08 of 1%) of Food Stamp households. Further, 87% of all participants in the program had gross incomes under \$6,000 a year, and the great bulk of those over that amount were in households of five or more.

Resolution on City Aid to Language Minority Voters

Following the work of the HRC, through the Committee, of aiding the City in providing multi-lingual information and assistance before the November 4th City-wide election, continued community concern about the City's full compliance with the Voting Rights Act as amended led to the HRC adoption of a Resolution Regarding the City's Commitment to Assist Language Minority Voters in Participating Fully in All City Elections. It pointed out that there were some

alleged failures and infractions of the spirit and letter of the Voting Rights Act during the November election, and it called again upon the City Registrar of Voters and all City offices and departments involved in the electoral process to make every effort to "plan for, and implement fully, procedures required under the Act."

HRC Policy Statement on the Physically Disabled

Physical disability was added to the provisions covered in the HRC's enabling ordinance, Chapter 12A, Section 12A of the City Administrative Code, in August of 1974, defined as "impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services."

Federal and state laws pertained, respectively, to requiring "ready access" for disabled persons to buildings financed with federal money and to Fair Employment Practices Act requirements regarding employment, access of the disabled to rapid transit facilities and low-rent housing.

The HRC was in touch with a number of local City agencies, including the coalition for the Removal of Architectural Barriers, the United Cerebral Palsy Association of San Francisco and the Mayor's Committee on Employment of the Handicapped. The Social Programs Committee welcomed a physically disabled representative to its work; the HRC office staff includes a professional dealing specifically with those complaints that come from the physically disabled for referral. Those complaints centered, the HRC found, on three major problems; access to transportation, access to housing and discrimination in employment. City policy through the Civil Service System is that if the person has the requirements for the job and passes the testing procedure, he or she is examined by a Department of Public Health physician who makes the decision as to the person's physical fitness for the position.

Following a full presentation by professionals and citizens involved in advocacy work for the physically disabled, the HRC adopted a formal Policy Statement Regarding the Physically Disabled and spelling out its commitment.



YOUTH AND EDUCATION

Bilingual Education in City Public Schools

Without question, this issue was the most important, in terms of energy, discussion, action and reaction, that the Youth & Education Committee dealt with in 1975.

The HRC was the initial group to bring to the attention of the Board of Education the numbers of students in San Francisco public schools whose primary language was not English, and whose inability to understand, read or write in English-language classes in effect deprived them of an equal opportunity to education. On January 21, 1974, the U.S. Supreme Court unanimously ruled in the Lau vs. Nichols case (Lau was then a student in the San Francisco public schools; Alan Nichols was the President of the San Francisco Board of Education when the Chinatown Office of Neighborhood Legal Assistance brought a class action suit against the San Francisco Unified School District) that the City school system illegally discriminated against Chinese students by failing to help them surmount the language handicap. The HRC's status report documented that some 1,800 non-English-speaking Chinese students were involved. The number of students involved was the determining factor for at least some Supreme Court jurists. The HRC report was the only nonlegal ruling cited by the Court. This report and the HRC's supporting work generally are credited with having been among the determining factors in the Supreme Court decision.

Following this ruling, forces within the communities closely affected by the Bilingual Programs began a drive to have the School District adopt a policy of upgrading and expanding its present program with a comprehensive master plan. The School District then set up a Bilingual Task Force on Lau vs. Nichols with some twenty community members, six alternates and a number of representatives of Board of Education members. It was charged with recommending a program of in-service training, cost analysis and a hiring-techniques program. The Youth & Education Committee was involved in the early work of this Task Force, and, once the report of the Task Force was issued, in early February of 1975, conveyed preliminary concerns about it in the form of 21 questions to the School District's Bilingual Office Director. It then set about drafting its own resolution for a formal position on a bilingual-bicultural program for non-English and limited-English-speaking students.

The drafting, writing, recommending of and adoption by the HRC of a formal position on this, at times, explosive issue was not to be an easy task. A number of regular HRC meetings at which proposed statements were offered, after lengthy Committee discussion, involved many members of the community with sometimes divergent but passionately-held opinions.

Accordingly, a special meeting of the HRC for the community was held in March. The HRC felt that it was involved in what perhaps was one of the "first and only full and honest and sympathetic discussions" of some of the questions surrounding the bilingual-bicultural issue.

There was testimony, at times heated, by opponents and proponents of a proposed HRC resolution on this issue. A long and detailed HRC Statement on English Language Instruction and Bilingual/Bicultural Education and Resolution of the Human Rights Commission was adopted at this special meeting. The HRC also adopted a clause stating that it recognized that its Statement and Resolution dealt primarily with its understanding of the specific issues addressed by the Lau vs. Nichols decision, that the multiple cultures of the City present additional issues not addressed by Lau vs. Nichols, and calling on the Board of Education to address them. The HRC continued to keep in close touch with implementation of the Master Plan, meeting, for example, with the Task Force people and school officials.

In the late fall of 1975, the HRC heard a status report from the Bilingual Office staff of the School District, learning that more money had been appropriated for the program during the 1975-1976 school year, more teachers recruited, more students enrolled, and that administrative staff had been reorganized in an effort to be better utilized. The Committee reported to the HRC that "...the School District is aggressively implementing a Bilingual Program."

School District Reaction to HRC Suspensions Report

The School District's then Deputy Superintendent met with the Youth & Education Committee early in 1975 for discussion on the eight recommendations adopted by the HRC. The recommendations were based on a study by the HRC that arose out of a concern over the large number of suspensions (3,868 in 1974-1975), including large numbers of minority children. The HRC asked in part that:

- Parents be informed of school expectations and their responsibility, including reasons for suspensions.

- An annual evaluation of the effectiveness of suspensions be made.

- Recording procedures be revised to indicate the ethnic identity of the teacher or administrator initiating the suspension.

While the District's Deputy Superintendent did not disagree with the HRC report, he did differ with the proposed racial identification of staff issuing suspensions because District staff, he said, was certain it would produce adverse effects. He agreed that training in cultural differences would be helpful to District staff. The HRC accepted the official's remarks that the District staff would not implement the HRC recommendation requesting racial identification of staff issuing suspensions.

At the end of the year, the School District's Pupil Services Unit reported to the Youth & Education Committee on the progress (or lack of it) made in implementing the HRC recommendations. They reported, in part, that:

- There was still an over-representation of Black students, especially males, in the number of suspensions.

- Alternative schools were functioning, but all had waiting lists.

- A Basic Skills Project was scheduled to begin in January of 1976.

- Alternate education plans were being drawn up. The Committee asked to receive periodic reports on these plans.

HRC Endorsement of School District Affirmative Action

The HRC formally approved the Affirmative Action Policy as proposed by the School District staff to the Board of Education and called for a broadly based membership to be appointed to the Affirmative Action Review Committee of the District. The HRC recommended that references in the resolutions of the Affirmative Action Policy be amended to replace "ethnic minority," "ethnic/sex composition of the staff," or "ethnic community" with wording that would refer to those areas of nondiscrimination covered in the City's Nondiscrimination Ordinance. The Nondiscrimination Ordinance prohibits discrimination on the grounds of race, color, creed, national origin, ancestry, age, sex, sexual orientation and physical disability. There was some question at the Board on the inclusion of sexual orientation, and it was reported by HRC staff that the Board's legal advisor felt that sexual orientation could not be included because of rulings of the U.S. Supreme Court, the State Education Code and previous Board of Education policy. After strong gay community reaction to the Board's hesitancy, and probably largely because of the HRC's expressed concern, the School District's Affirmative Action Policy eventually was adopted with sexual orientation included in categories of nondiscrimination.

Alcoholism Prevention Peer Counseling Project

This unique and innovative program, with the lengthy official title of the Alcoholism Prevention among Adolescents through Peer Counseling Project, began in late 1974. It was funded for the 1975 fiscal year through the Bureau of Alcoholism, San Francisco Department of Public Health, under provisions of Senate Bill 204, for \$6,500. This provided for a half-time coordinator and four junior high school health aides working 10 hours per week. These health aides worked within four junior high schools in the City.

The project staff developed a three-part test to measure the effectiveness of the project, which was to be pilot-tested in 1975 and would be used to pre and post-test during the 1976 fiscal year.

Staff had contacted some 6,500 young people by mid-1975 in efforts to educate and to stop alcohol abuse. Some of the means used included: creation of a youth newsletter called "The Bad Newsletter" with

continuing articles, poems, essays and information on alcohol for wide distribution in the secondary schools and youth-serving organizations; one-to-one and small group contacts; classroom presentations; community organization presentations; and distribution and posting of alcoholism information. Plans were under way at reporting time to produce a television program on peer counseling to stop alcohol abuse. Part of the project counseling dealt with home and family life of young people and how they might recognize and deal with potential or actual alcoholism problems there.

The project was greatly encouraged by refunding from the Bureau of Alcoholism at a 15% increase for the 1975-1976 year. During that year the project employed four senior high school students. Public Health officials praised the project highly, particularly because of its peer interaction approach.

By late 1975, the project staff had contacted approximately 8,470 pupils in its efforts to educate and stop alcohol abuse. Basic measurement of the effectiveness of the project was underway at the end of the calendar year.

Final Report on Adolescent Venereal Disease Prevention Project

The Project to Combat the Spread of Venereal Disease among Adolescents concluded its third and final year of operation on June 30, 1975. It had been funded through the City Clinic, San Francisco Department of Public Health, by the U.S. Public Health Department. The funding level was reduced from one full-time, five half-time and twenty-five high school health aides to one half-time coordinator and twenty health aides.

Health aides gave VD presentations before groups in schools, churches, youth organizations, etc.; they talked with students one-to-one; they wrote articles for a newsletter; participated in a VD movie; and assisted in the planning and implementation of a dinner-dance. Survey questionnaires were tallied to compile data on knowledge, attitudes and the effectiveness of the project. "The Bad Newsletter" (already described as part of the Alcoholism Project) contained articles on VD, questions and answers of youth interest and whatever else young people were responsive to and interested in at the time. Copies were sent to school principals and youth-serving organizations. A 10-minute movie was made entirely by project participants and was received enthusiastically for its humorous/serious approach.

Statistically, the San Francisco VD rate was increasing in 1975, but declined for the two youngest age ranges: 15-19 and 20-24. The HRC's VD Project, it was felt, had been a significant factor in the decline in these two groups. This opinion was voiced by the Assistant Director of Public Health, Programs and Services. Marilyn Morris had worked from the first as the HRC's part-time supervisor of this project.

School Breakfast Program Staffing Support

A freeze on hiring set by the San Francisco Unified School District and a subsequent deterioration in implementation of the school breakfast and lunch programs led, in mid-1975, to an "urgent support" resolution of the HRC that adequate staff be hired by the District. Guidelines were not adhered to, food purchases were delayed, and daily equipment repairs were not made, according to program workers, and the HRC was asked to take a position. The HRC's position basically was that whatever staff was necessary to adequately implement the vital nutrition program should be hired. The HRC held also that, given the fact that the hiring freeze at the SFUSD was because of a critical budgetary situation, the freeze be relaxed for this priority purpose -- the breakfast and lunch program.

Meeting With The New School Superintendent

On the second day of school, Robert Alioto, newly-named Superintendent of Schools, with his administrative assistant, met with the Youth & Education Committee for a broad discussion both of his priorities and for an exchange of continuing Committee concerns in education. The new Superintendent outlined three main areas of concentration: reading, with strong efforts to assure provision of needed skills to all children; vocational education and occupational preparation; and "mainstreaming," which means integrating pupils enrolled in special education classes into those regular classes in which the pupil can succeed. Other topics included: avoidance of overcrowded classes; the carrying out of bilingual and multi-cultural programs; and efforts by the Superintendent to see that federal funds are used to their best advantage in the District. Mr. Alioto promised to return to the Committee upon its invitation.

Operation of 1975 Summer Youth Program

The HRC traditionally is deeply concerned with the functioning of this program, and during the fall of 1975 heard a full report from the Director of the Office of Manpower of the work during the summer. Some 8,400 youth were employed and the total program cost was \$2,720,000. As in previous years, funds were not released until very late in the season, and many felt that the income criteria for those who could qualify for the program were unrealistic. The Youth & Education Committee recommended that a letter of commendation from the HRC be sent to Eunice Elton at the Office of Manpower commending their efforts in the summer program, coupled with a letter requesting that the Mayor assign additional staff to the Office of Manpower no later than January, 1976 to ensure adequate advance planning for the 1976 Summer Youth Program.

Recommendations For Educationally Handicapped And The Educable
Mentally Handicapped Programs: Special Educational Services

An exhaustive and detailed report/study by the HRC was a follow-up on complaints made to it of alleged discriminatory referrals by Unified School District staff to these special classes (educationally handicapped/educable mentally handicapped) in terms of over-representation of Black children.

In the 1974-1975 school year, 71% of the students in the Educationally Handicapped classes, kindergarten through 12th grade, were Black, compared to 31.2% Black pupils in the total elementary school enrollment.

Eleven specific recommendations were made and adopted by the HRC. These included: strong support for "mainstreaming," or bringing pupils into regular classes as soon as possible; investigation of the framework in which EH referrals are made; intensive in-service training for schools and classroom teachers with a high number of referrals to EH classes; rescreening of pupils currently enrolled who were not thoroughly screened at the time of original placement; and additional consideration for cultural and linguistic differences in the identification of these handicapped in the screening process of Special Education Services.

HRC Stance in Education Board Turndown of District Appointments

In late 1975, the Board of Education rejected, on the vote of four members, (a majority) confirmation of four of five administrative appointees submitted by the Superintendent of Schools Robert Alioto. Four of the nominees were minority people, and their rejection caused widespread adverse reactions in the community. Some people came to the Youth & Education Committee alleging that there were racial overtones in the rejection of the nominees.

The HRC devoted discussion periods at several regular meetings, and initiated meetings with the four members of the Board of Education, who themselves issued position statements in the form of news releases from the Public Information Office of the School District. Commissioners held HRC past activities and operating policy brought the issue well within its purview.

At year's end, following the sending of an official HRC letter expressing its concerns to the Board members in question, the issue was as yet unresolved from the HRC standpoint. However, early in 1976 these members came to the Youth & Education Committee singly for an exchange of viewpoints and the HRC eventually was to report that it had found no racial implications whatsoever in the negative votes on the Superintendent's appointees.

Filipino Student Complaints At City College

Some Filipino students at San Francisco City College filed, in the Spring of 1975, a complaint with the HRC regarding English-as-a-Second-Language instruction requirement policies at the College. A number of issues about graduation requirements, administration of ESL placement tests, individual and group tutoring, and the creation of an ESL program tailored specifically to Filipino needs. HRC staff, with Commissioner Mary Ganotise, met with the College Curriculum Committee a number of times. A subsequent recommendation was that the President of City College establish a task force charged with, but not limited to, seeking dialogue between the College administration and Filipino students. Among those suggested for membership on the task force would be City College administration representatives, the Samahang Pilipino organization there and the HRC. A number of specific issues to be dealt with by this task force were incorporated in the final formal resolution passed by the HRC and transmitted to the College.

Impact of Southeast Asian Children in Schools

An unforeseen crisis, i.e., the sudden influx of numbers of Vietnamese and Cambodian children who arrived after the end of the American involvement in Vietnam resulted, in late 1975, in more than 400 students being entered in City public schools virtually all of whom were either non or limited-English-speaking. A Southeast Asian Education Program was instituted by the San Francisco Unified School District and encountered great difficulty in getting persons technically qualified (college degrees, experience as well as fluent in Vietnamese) to teach these children. The HRC, through the Youth & Education Committee, kept abreast of this aspect of multi-lingual education needs. Federal legislation which would have provided short-term funding to states in order to assist local agencies in providing public education for Vietnamese and Cambodian children was considered by the full HRC and, in a split vote, it tabled action on bills in both the House of Representatives and Senate. The majority negative votes were on the basis that the HRC should not endorse legislation without "consideration of the fiscal aspects, or fund sources."

By year's end in a subsequent status report, it was learned from the School District's Indochina Education Program that lack of funding continued to impede the program. A "Hotline" was to have been set up to provide information for Vietnamese and Cambodian students seeking to attend college but could not be due to lack of funds; curriculum materials ordered in September were due to arrive in February of 1976. Concern continued about these early problems in implementing this program.

Multicultural Education

Under the Emergency School Aid Act (ESAA), a federal program for public school districts implementing a desegregation program, multicultural education is provided. The HRC stressed in a letter to the Superintendent of Schools that multicultural education was supported

primarily by federal and state funds and requested that funds for this kind of project be included in the 1976-1977 District budget.

Students Rights and Responsibilities Manual Evaluation

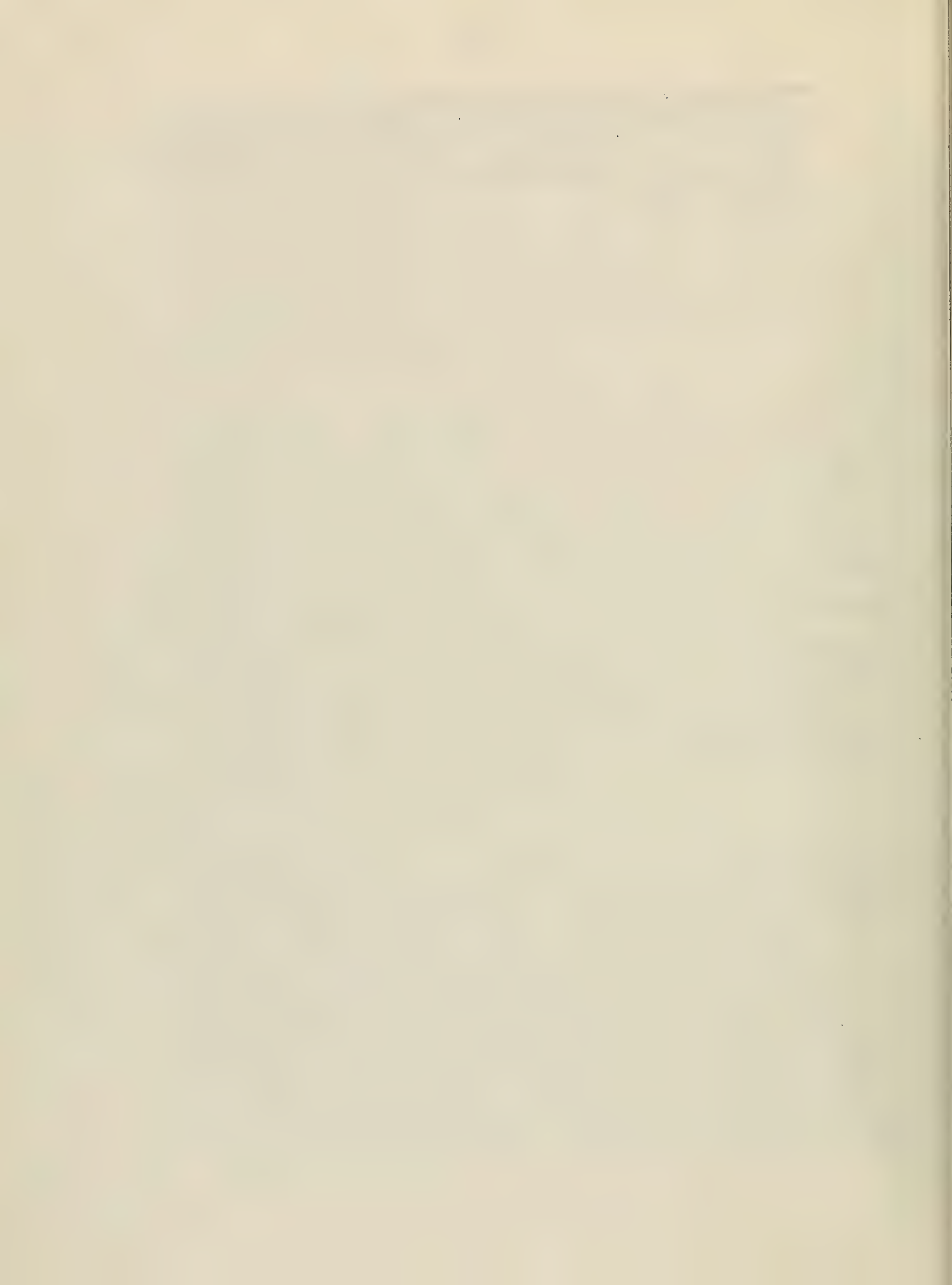
The HRC's third annual evaluation of the operation of the Students Rights and Responsibilities Manual (in the City's public schools) was conducted by a San Francisco State University intern, Mike Symkowick. It found that, by and large, the manual did not have much direct influence on the daily lives of the students, at least from their point of view. Familiarity with the manual in most secondary schools remained quite deficient, a finding persistent through the three yearly evaluations.

Mr. Symkowick stressed again a number of recommendations, some of them repeats of earlier ones, for making students more aware of their rights and appeals procedures. They included: (1) incorporation of the manual into Social Sciences curricula; (2) explanation of the appeals procedure as a part of every orientation at the 7th and 10th grade levels, and to student transfers; (3) providing a copy of the manual summary to each secondary school student and his or her parents; and (4) making available a copy of the full text of the manual and the summary in the school libraries, the main office, the students' bulletin board, the counseling and head counselor's office and the Principal's office. A procedural change recommended for adoption by the Board of Education: students who have appealed a suspension action and whose behavior leading to the suspension does not involve danger to the student or others could have suspension delayed pending outcome of the appeal. Mr. Symkowick found, and the HRC recommended, that secondary and elementary school site administrators have an orientation annually on students' rights and appeals procedures. This evaluation for the first time covered all secondary schools, and students', teachers' and administration input was obtained.

Task Force on Youth Disturbances on The Muni Railway

In the fall of 1975 a number of incidents which received wide media coverage took place involving acts of violence by high school students against passengers on Municipal buses and streetcars. The HRC was asked to assist the Mayor's Office in finding a solution or solutions to these problems of social violence. After meeting with agency and community representatives, initiated by the Board of Supervisors and the HRC, a Municipal Agencies Task Force on Youth Violence and the Municipal Railway was formed. Members included representatives from the Municipal Railway, the Youth Service Bureau, the Juvenile Court, the Police Department Community Relations Unit, the Transport Workers union, the San Francisco Unified School District and the HRC. The Youth Service Bureau proposed a project to reduce juvenile violence. This project, with a total cost of \$388,000, would be funded by the California Council on Criminal Justice (federal funds),

with a local and state government matching grant of \$19,500 required. The project was planned to employ 241 youths and 18 adults in the two components of the program: 1) streetwork/counseling, and 2) employment/training. The HRC continued its active participation in this Task Force work, planning and funding efforts into 1976.



POLICE LIAISON

Support for City Commission Composition, Size Change

The HRC joined a number of City organizations and individuals in endorsing a City ballot proposition that sought to increase from three to five the number of members of the Police, Fire and Civil Service Commission. The proposed amendment to the City Charter also contained a mandate that "no more than a majority of said commission shall be of the same sex." HRC action came as a follow-up of its earlier survey of the makeup of the City's 27 commissions, agencies and boards showing very little participation by women in particular. The Bay Area Women's Coalition pointed out that none of the three commissions the proposition referred to had women members, and that women, indeed, represented more than 51% of the electorate. The HRC's action was to support the expansion of the Police, Fire and Civil Services Commission from three to five members, in order to promote the possibility of participation of minorities and women on them. In the City election in June of 1975, this proposition was passed.

Police Minority Recruitment Program

In the aftermath of the Police and Fire Department strikes in 1975, the Board of Supervisors deleted some 100 positions from the Police Department. This was a cause of great discouragement for those who had hoped the Police Minority Recruitment Program would bring proportionate numbers of Black, Asian and Latin persons into the San Francisco Police Department. The program itself recruited more than 1,000 candidates for the Police and Sheriff's Department over two years. It was funded by the Mayor's Council on Criminal Justice, and came about following a request to the HRC by the Officers for Justice and other community groups that it draft a proposal for a minority recruitment for a law enforcement jobs project. As a result of the action of the Board of Supervisors, it was feared that with only some 100 positions which could be filled, minorities might wait as long as three or four years for job chances.

Liaison With New Mayor, New Police Chief

The Police Liaison Committee moved soon after the City elections to meet with the new Mayor to discuss several matters that involved the Police Department for example, centralization of complaints through its Internal Affairs Bureau. The Committee also wished for the HRC to assist if possible in the establishment of criteria to be used in the appointment of a new Chief of Police, insofar as it applied to HRC.

M E D I A P R O G R A M

The HRC Media Program funding grant, made anonymously, expired in June of 1975. The funds were designated specifically for a Community Information Service. Information about the concerns and programs of the HRC (affirmative action in housing, ex-offenders, etc.) were published in the HRC newsletter, FYI, (For Your Information), which reached a mailing of approximately 5,000. HRC work in the fields of employment, housing, education and youth and student rights was covered in FYI articles and in television and radio programs. A series of monthly "City Seminar" television programs was sought through a grant application to the California Council on Public Policy in late 1975. Five programs on the urban scene were shown on Channel 6 in San Francisco and Channel 2B in San Jose during 1974-1975. They were developed jointly by Professor Theodore Connelly of Lincoln University and Ms. Joan Barr, the Media Program Coordinator.

G A Y A D V I S O R Y C O M M I T T E E

Formation of the Gay Advisory Committee with Standing Committee status at the HRC grew out of the introduction by Supervisors Francois and Kopp in April of 1975 of two ordinances:

- One that would have increased the number of HRC members from fifteen to sixteen, with the added commissioner publically identified with the homophile community or one who has worked closely with it.

- A second giving the HRC the responsibility of forming an Advisory Committee of three persons, each with the same qualifications as the added commissioner (above).

The HRC position on the first proposed ordinance was that creation of a position for one specific group departed from the obligation of the Mayor, as spelled out in the HRC's original enabling ordinance, to appoint a broadly-representative group. There was concern that many other special-interest groups might then petition for specific representation. The Advisory Committee approach was preferred by the HRC which already had such bodies representing the Latin, Chinese and Native American communities. The Employment and Police Liaison Committee already had representatives of the gay community.

In the second stage of activity on this issue, a number of gay community representatives (The Pride Foundation, Alice B. Toklas Memorial Democratic Club, Page Street Survival House, the Sentinel newspaper, the Society for Individual Rights, etc.) came to an HRC meeting to speak on a proposed HRC resolution opposing adding a sixteenth (specified gay representative) seat to the HRC. After a lively discussion, the HRC did adopt the resolution, with the addition of calling to the attention of the incoming Mayor that sexual orientation is a part of Section 12A.4, "...and that there has not been anyone in the history of the HRC that could be said to explicitly represent that community, and that, therefore, his early appointments should include such a representative."

Jo Daly, the HRC's Gay Community Liaison Worker, had joined the staff earlier and was a pivotal figure in these early discussions and community presentations.

In June, the Board of Supervisors did pass an ordinance requiring the HRC to name a special committee of three persons publically identified with the homophile community. A committee of Commissioners was named to begin the process of accepting recommendations on nominees for appointments to this special committee. Guidelines and procedures for the nomination, discussion, criteria for selection and appointments stages were worked out with broad community participation. The committee received a large number of nominees and eventually recommended five to the HRC, which selected three: Rev. Charles W. Larsen, Larry Littlejohn, and Phyllis Lyon.

Commissioner Eduardo Sandoval was named to chair the Committee. An open file was maintained at the HRC office, notice was given through press releases to the community and resumes, supportive letters and nominations for committee positions were received for the Special Appointment Committee to use in its recommendations.

The function of the Gay Advisory Committee was defined as advising the HRC and its standing committees on policies, projects and problems (such as housing, employment and other areas of discrimination) affecting the gay community. Its term was set for one year, with re-appointment of successors by the chairperson of the HRC.

Public Hearings For Gay Community Concerns

Planning began at the end of 1975 for a series of three public hearings to be sponsored by the HRC to receive input and discussions on concerns and problems of the gay community. They were to be at three neighborhood locations, would be widely-publicized and a summary of them would be made, with recommendations, at the HRC in the spring of 1976.

C O M P L A I N T S C A S E L O A D

1 9 7 5

A 21% jump in complaints handled by the HRC staff was recorded in 1975 over the figure for 1974. Through December, 13 staff members dealt with 853 complaints; they worked on 671 in 1974.

In the major HRC areas of employment, housing and education/community liaison, the figures were: Employment-320, compared to 288 in 1974; Housing-182, compared to 140 in 1974; and Education/Community Liaison-165, compared to 141 in 1974.

The 853 complaints are those that staff members did more than simply record. They required counseling, referral, letters, telephone calls, consultation or mediation with other agencies or staff, follow-up and so forth.

The additional 186 complaints for 1975 (besides the major categories) are grouped as "Other" by the staff because of their unclassifiable nature, e.g., disturbed people, for the most part, who require primarily someone to listen to their fears, frustrations, disappointments or angers.

One of the most difficult aspects of complaint-handling and one the HRC staff has to face daily is the reality of what can be done. The staff person is faced with trying to provide relief to people who may have been to many other agencies over a long period of time, or people with complaints that stem from injustices, real or imagined, that took place long ago and far away, or even only in the mind of the complainant.

More realistically, staff also tries to provide assistance for people trying to cope with the system, large numbers of whom want legal advice and representation. They want someone to personally speak, represent or write letters for them, investigate their jobs, their places of residence, intercede with employers, landlords, waitresses or store clerks, or any one of a hundred other contacts where some problem arises.

What the HRC staff has to do is provide, with its very limited resources, whatever it can, while at the same time letting the complainants know that it cannot: provide lawyers, investigators, personal representatives, money, free housing, an instant job, a change in regulations of another agency, etc.

The incredible thing about complaint work the staff has found, is that most people are grateful for what help they get and that they grasp what can and what cannot be done.

One staff person deals particularly with complaints filed with the HRC by persons alleging a variety of problems in their jobs with City departments (the Civil Service System). Two hundred and three of these cases were processed by the HRC in 1975. The trends of these complaints were: class actions (several persons usually in the same Civil Service job classification) or in-service problems (people in the CSC having problems as opposed to persons outside trying to get work).

In contract compliance/affirmative action work with City contractors, an HRC affirmative action officer does conduct investigations on individual complaints (eight in 1975 settled, one resulting in a hearing with a ruling against the complainant). This staff also initiates complaints against City contractors (within the City's Nondiscrimination Ordinance) for noncompliance, and handles other routine employment complaints.

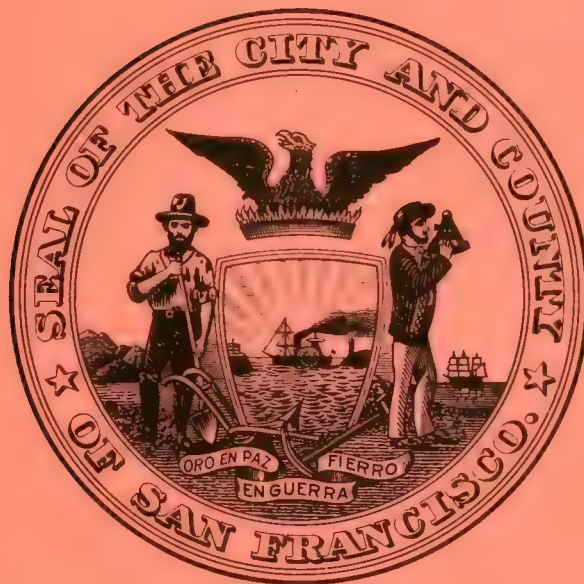
The cases reported numerically do not include the countless requests for information or for copies of reports or statistical material the HRC can provide, or telephone or walk-in inquiries -- all requiring staff time -- that occur in any public agency.

With the widening of the HRC's discrimination category responsibility to include sex, sexual orientation and physical disability, the numbers of those kinds of complaint cases coming in are on the increase.

The breakdown by category of the HRC's complaints caseload for 1975:

Employment	320
Housing	182
Education/Community Liaison	165
Other	<u>186</u>
TOTAL	853

TWELFTH ANNUAL REPORT



DOCUMENTS

OCT 6 1977

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

FOUNDED JULY, 1964

1095 Market Street - Suite 501
San Francisco, California 94103

January 1976

to

January 1977

The Human Rights Commission's total budget of \$330,175 for Fiscal 1976 (July 1, 1976 to June 30, 1977) represented .0004% of the total City Budget of \$768,636,751 (exclusive of the San Francisco Unified School District).

Section 12A.2 of the San Francisco Administrative Code (as amended extending provisions thereof to include sex, sexual orientation and disability).

Declaration of Policy. It is hereby declared that the policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies; that an instrumentality should be established to give effect to such rights, to eliminate prejudice and discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, physical disability, or place of birth, to inform the inhabitants of the City and County of developments in human relations, to provide expert advice and assistance to the officers, agencies, boards, departments and employees of the City and County in undertaking ameliorative practices to keep peace and good order and to officially encourage private persons and groups to promote and provide equal opportunity for and good will toward all people.

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"The Commission has, with low profile, been the major mechanism for shaping and implementing affirmative action in employment in San Francisco. This has been its major work -- and, for the advancement of human rights, the name of the game. But this job has been accomplished because the Commission and its staff has done the hard, slogging daily work involved -- rather than becoming a rhetorical forum on the subject. If the affirmative action job is to be done, as distinct from faddish sloganeering, it will be done exactly to the extent that the Commission has the kind of staff support needed to do it. City government has been piling different responsibilities on the Commission without providing that support."

From letter written to Mayor George R. Moscone by Earl Raab, charter member of the Human Rights Commission, on his retirement January 26, 1976.

HUMAN RIGHTS COMMISSION
PERSONNEL 1976

COMMISSIONERS

(serving until March 18, 1976)

Rev. Victor L. Medearis, Sr., Chairperson
(succeeded March 18, 1976 by Caryl Mezey)
Caryl Mezey, Vice-Chairperson

The Very Rev. C. Julian Bartlett
Rev. George L. Bedford
Rabbi Alvin I. Fine
Mary O. Ganotise (succeeded Darrell
Salomon, who resigned 12/3/75)
Joseph R. Garcia
Sister Mary Bernadette Giles

Curtis McClain
Earl Raab (resigned 1/26/76)
Peter D. Salvi
Eduardo Sandoval
Rev. Charles C. Song
Harvey Wong
David K. Yamakawa, Jr.

(Incoming Mayor George R. Moscone appointed
the following Commissioners and they were
sworn in March 18, 1976)

Caryl Mezey, Chairperson
David K. Yamakawa Jr., Vice-Chairperson

Carlota Texidor del Portillo
(succeeding Bedford)
Rabbi Alvin I. Fine
Sister Mary Bernadette Giles
Antonio Grafilo (succeeding
Bartlett)
Sylvester Herring (succeeding
Garcia)

Phyllis Lyon (succeeding
Medearis)
Enola Maxwell (succeeding
Ganotise)
John Morrissey (succeeding
Raab)
Dan Silva (succeeding Sandoval)
Lillian Sing (succeeding Song)
William Wesley (succeeding Wong)

(later appointments by Mayor Moscone were:)

Vernon Alley (5/18/76 - succeeding Salvi) Nadim H. Zarour (6/11/76 -
succeeding McClain)

STAFF

Regular City Civil Service Professional and Clerical

Frank Anderson, Employment Representative
Pauline Anderson, Senior Clerk-Typist
Jack Casford, Human Relations Representative
Audrone Fields, Clerk-Typist
Stanley Lim, Contract Compliance Representative
Grace Markham, Clerk-Typist
Grant S. Mickins III, Director

Don Hesse, Housing Representative
Wayne Redus, Coordinator of Employment
Gail Roberts, Coordinator of Community Organization
David Treanor, Accountant/Office Manager
Blanca Torres, Clerk-Typist

Nonpermanent Staff, under the Comprehensive Employment Training
Act (CETA)

- 7 Clerk-Typists.
- 7 Community Liaison Workers within: Black, Latino, Gay,
Filipino, Disabled, Samoan, and Asian communities.
- 6 Affirmative Action Officers: banks, hotels, restaurants,
insurance companies.
- 6 Community agency-based staff.

REPORT OF THE 1975 GRAND JURY ON THE
HUMAN RIGHTS COMMISSION

COMMISSION ON AGING; DEPARTMENT OF SOCIAL SERVICES;
HUMAN RIGHTS COMMISSION AND COMMISSION ON THE STATUS OF WOMEN

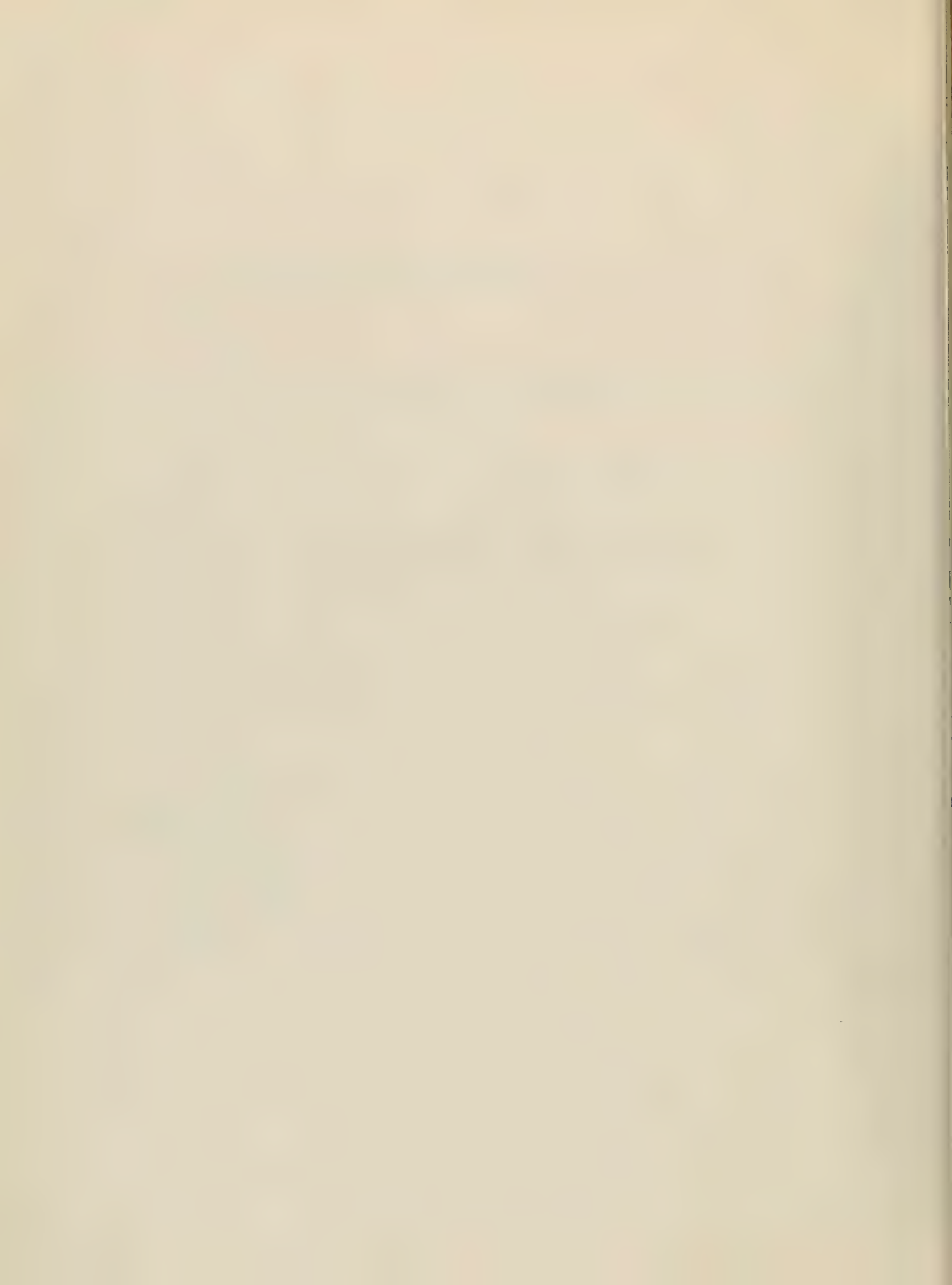
Human Rights Commission:

The HRC, lacking actual departmental responsibilities and authority, has nonetheless become a force in the community on behalf of affirmative action and fairness.

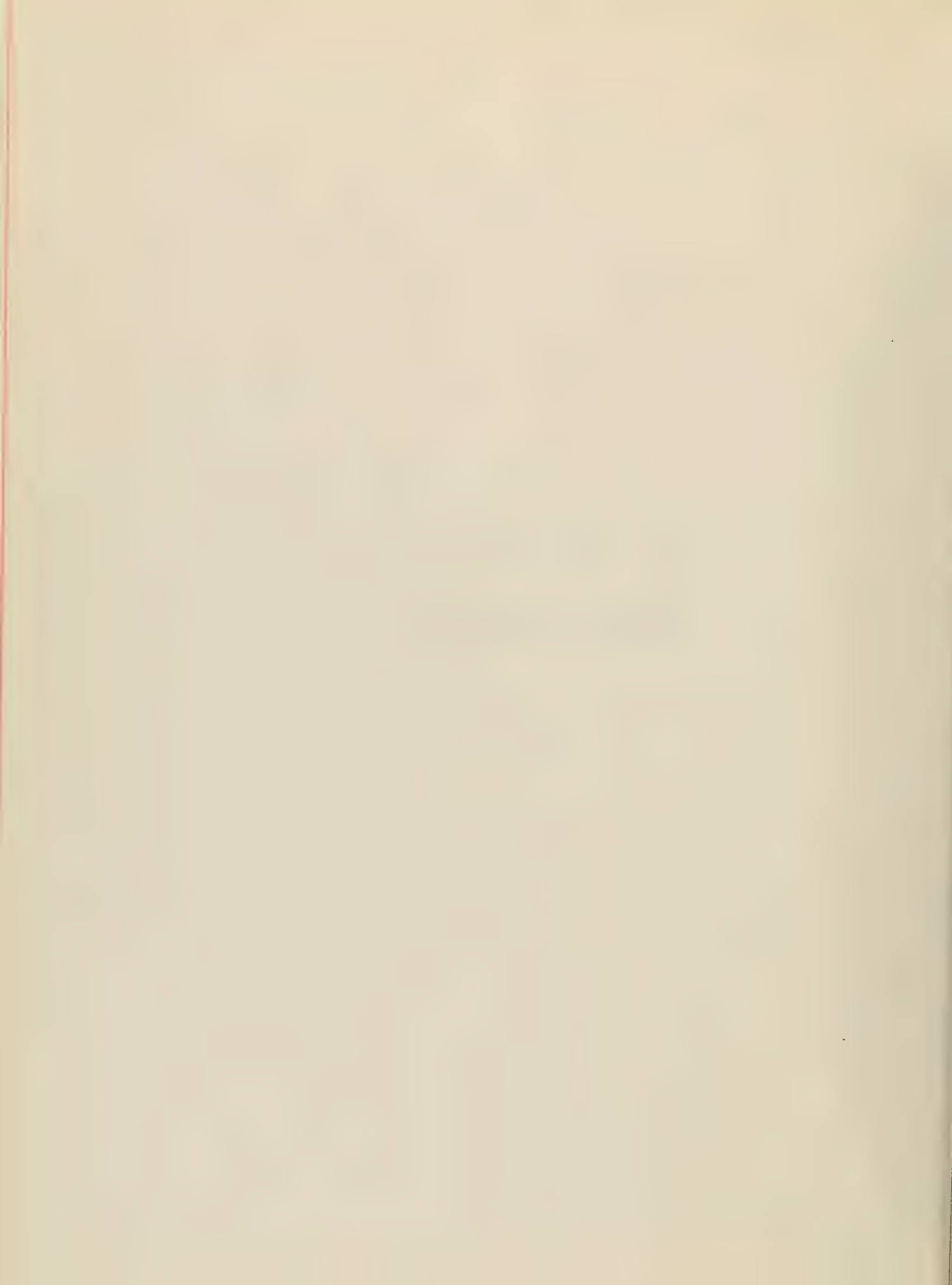
The Commissioners, extremely varied and energetic, are a forum and an advocate for racial, ethnic and sexual minorities. In San Francisco, where minorities are nearly a majority of the population, the HRC finds a large and vocal constituency. In general, it appears that the HRC has been a conduit for constructive activism on matters of affirmative action in hiring by the City, governmental procurement and contracts. The failure of the City and County to prepare and institute a full-scale affirmative action plan does not appear to be the fault of this Commission. Future City funding may someday be jeopardized by this failure, and certainly affirmative action is impaired by it. It would, therefore, not seem improper for the Commission to become a more insistent advocate for the creation of a full and enforceable affirmative action plan for the City and County.

It should be noted that one staff member who recently retired, Edith Witt, came to symbolize for many community groups and minority and low-income residents, the kind of devoted and forceful service that the Human Rights Commission should offer San Franciscans. Partly because of her work, and partly because the Commissioners are highly representative, the HRC does enjoy a degree of respect and appreciation in the community rare for a City agency. This is not to say that the HRC is not criticized, and sometimes rightly so, for debating more than acting, but given its limited power, this is an agency that appears to be doing its best.

S T A N D I N G C O M M I T T E E S



A D M I N I S T R A T I V E



ADMINISTRATIVE COMMITTEE

Formation of the Administrative Committee

During 1976 the function of this, the newest of the HRC Standing Committee structure, became more important as it dealt with a number of major policy issues and concerns.

The Committee is made up of the HRC Chairperson, Vice-Chairperson, and the Commissioners who chair the Standing Committees.

They meet on a regular basis with the Director.

Issues on which they acted during 1976 included:

- Liaison with the Gay community on the makeup of the Gay Advisory Committee.

- Drawing up an official HRC Policy Governing Public Disclosure of Affirmative Action Information. This was a rather drawn-out procedure, and had the assistance and advice of the Employment Law Center and Women Organized for Employment. It was eventually adopted by the full HRC.

- Deliberations and recommendations on amendments to the Rules & Regulations regarding voting requirements for Commissioners, defining Commissioners eligible to be on appeal hearings, etc.

- Decisions on requests for HRC sponsorship of meetings, forums, rallies, etc. This was to lead, eventually, in 1977, to a consideration of a formal policy on endorsements to be followed by the HRC.

- The customary edge-of-disaster situation for the HRC's budget support from the City for staff, supplies, operations, etc. New added responsibilities under the amended ordinances increased the need for telephone and paper supply use; ten office telephones were removed to cut expenses; and even the only drinking water supply (the office had subscribed to a bottled-water service due to the lack of drinking fountains in the 1905-era building) was cancelled. The HRC was denied travel pay out of the state, membership in any state, national, or international HRC association, adequate mailing allowance (the Minutes mailing list---the HRC's traditionally best means of public information about its work--was halved), etc.

- Conduct of a special public meeting on HRC priorities in May.

- Request for the City Attorney's opinion on meeting the requirements of Proposition K, passed in the November, 1975 City election, namely: that all members of City boards and commissions declare either a yes or no vote on actions before their respective boards and commissions, unless a majority of the commission or board as a whole excuses a member because of a conflict of interest.

- Ordering that the Standing Committees review their memberships in order to include persons from groups which may have been omitted, including representation of Gay people, labor, and the physically disabled.

- Marshalling support, both at the HRC and in the community, for extension of the Comprehensive Employment Training Act (CETA) funding. The program was extended and the HRC's important CETA Specialists were retained to continue their work.

Special Address to the HRC by Mayor Moscone

Mayor Moscone made visits to commissions and boards during the first year of his administration and the HRC's turn came in July. It was his fourteenth such appearance, during which he outlined his view of the HRC's mandate in terms of its historic role and its future obligations.

The Mayor urged that the HRC, first of all, continue its past history of developing innovative and creative approaches for maximum impact in getting access to public jobs and contracts for minorities. He suggested:

1. That the HRC survey the areas of the most flagrant abuse, "prioritize" them, and develop an operating plan.

2. That the HRC be sensitive to the necessity of keeping its policymaking open to the citizenry through participation in meetings.

3. That the HRC provide him with the results of its self-assessment of its functions and staff emphasis.

4. That the HRC continue its work with the Civil Service Commission to design a City affirmative action plan.

5. That the HRC direct maximum attention to the field of contract compliance. He said, "The public good is best served only when we see to it that minority citizens are hired by contractors or have the opportunity themselves to bid on contracts to be let by the City."

The Mayor paid tribute to the talents of the people serving on the HRC, some of whom represent constituencies that had not been, in his words, "tapped to share in City government before." He called for a sense of diplomacy to be used with a sense of commitment that the workings of City government are on the basis of equal and even treatment of all people.

There was an exchange of comments between the Mayor and the members of the HRC following his formal presentation. Chairperson Mezey noted that the HRC was establishing priorities for its work, and recently responded to community feelings by shifting some emphasis from job recruitment to contract compliance.

The Chairperson also stressed the HRC's traditional and on-going work and impact in the fields of housing, police liaison, and education, and its wish to continue its emphasis and staff commitment to those areas.

The Commissioners collectively called for the Mayor's support for the HRC's funding needs to provide adequate staff, not only for contract compliance obligations, but also in the areas of education and housing.

Co-Sponsorship of Affirmative Action Conference

The HRC in September co-sponsored, with the San Francisco and Oakland Unified School District, an affirmative action conference for development of minority entrepreneurship (to participate in bidding for jobs under these school districts' contracts). The conference was held in San Francisco, attracted a number of minority contractors, and featured HRC staff and commissioners providing technical information and presentations hopefully helpful to all.

Mission Neighborhood Health Center Dispute Mediation

The HRC's involvement with internal problems at the Mission Neighborhood Health Center in 1976 was not the first time it had been called in to assist in the internal problems at this medical facility which serves hundreds of patients in the Mission District.

In mid-summer of 1976, a petition and a request for HRC involvement in an internal dispute arising (or culminating) in a fiery meeting of the Center Board of Directors was sent to the HRC. Staff (Joseph Mesa), the HRC Director, a Latino member of the faculty of the University of San Francisco, and a director of the Center (but not its president, about whose actions the controversy had arisen) met on the problem.

Since 1971, the HRC's interest had been to assist when asked, and to help assure that the delivery of health care services to the many low-income families of the Mission District not be impeded.

In the 1976 instance, however, HRC recommendations, which were to be agreed on mutually, were that the National Center for Dispute Settlements be brought in to arbitrate a solution, and that both (or all) sides agree to what the Center worked out. The HRC maintained close contact during these meetings.

Administrative Appeal Hearing Activities of the HRC

For the first time since its founding in 1964, the HRC was involved during most of the year in more or less continuous appeal hearings on several different cases. They included the sexual discrimination charges against Pacific Telephone & Telegraph, an age discrimination case at the Show Cause Hearing level, a Director's Finding of contract noncompliance which led to an appeal and finally a lawsuit by a number of Fisherman's Wharf restaurants challenging jurisdiction, and a discrimination case brought by a minority contractor against a construction and trucking firm and a broker.

Physical Disability Added to HRC Ordinance 12B

The continuing expansion of the categories covered under the HRC's Nondiscrimination Ordinance (Chapter 12B of the Administrative Code) saw physical disability added in 1976.

A formal resolution urging that the Board of Supervisors make such an addition was passed in November, 1976, by the HRC. At the same time, it asked for (but did not receive) an emergency appropriation providing one permanent staff position to cover this added category and work. A request for the staff position was then incorporated into the fiscal 1977-78 City budget proposal by the HRC. The word "physical" was dropped at the HRC's request and after public hearings (see Employment section), the HRC did assign a CETA employee to make contact with agencies dealing with the physically disabled and their concerns. It added one physically disabled representative to its Social Programs Committee (see that section in this Annual Report).

E M P L O Y M E N T

Commendation to Governor Brown on Appointments

One of the HRC's first 1976 resolutions was a commendation to Governor Edmund G. Brown, Jr., for his appointment of minorities and women to positions of responsibility in state government. The HRC had been calling for increased minority representation on state education boards and committees since 1971, and had expanded its official position in 1974 to include all state boards and commissions. The 1976 resolution noted that Governor Brown had named more than forty minority individuals to state posts, and more than 38 women. These positions included cabinet members, department heads, judges, and commissioners.

Resolution on Part-Time Employment in City Civil Service

The HRC's continuing concern about the City's high unemployment rate led it to recommending, via a Resolution on Part-Time Employment in City Civil Service, a number of specific ways current and potential City employees could benefit through the adoption of a part-time employment policy, with built-in affirmative action components. Included in its recommendations were: establishment of permanent part-time positions with prorated fringe benefits; endorsement of such a policy by the Civil Service Commission, the Mayor, and Board of Supervisors; and periodic review of implementation of such a policy. By the end of the year, a resolution endorsing permanent part-time employment for City employees was in front of the Board of Supervisors.

Bayview-Hunters Point Memorandum of Agreement

An exhaustive study by HRC Contract Compliance Officer Stanley Lim was both a summing-up of the tri-partite Memorandum of Agreement (community, management, labor) drawn up in 1970 to cover employment and affirmative action for residents of the Bayview-Hunters Point area in work projects undertaken there, and a look at some of the problems coupled with recommendations for their resolution.

The HRC's Employment Committee had wrestled long with this report, which followed a statistical breakdown of all work projects and affirmative action that Mr. Lim had offered in November of 1975. Mr. Lim had a number of basic observations, based on his study:

- In only one of the years since 1970 had the signator parties fulfilled employment goals (50% local resident employment) in the majority of the crafts.

- There had been a lack of cooperation by all parties to the Agreement.

- Solution of these problems depended on shared responsibility by all parties.

Final action by the HRC brought forth three main recommendations, supplemented by three Statements of Concern. The recommendations, hopefully offered as amendments to the Agreement, were:

1. Expansion of the Agreement to include all crafts of the San Francisco Building Trades Council.
2. Revision of the resident employment goal to reflect the availability, both actual and potential, of community residents.
3. Establishment of a pre-apprenticeship training program, geared to increase resident participation in certain crafts.

The Statements of Concern, addressed to both labor and management, grew out of problems Mr. Lim encountered in fulfilling the HRC's obligations under the Agreement, i.e., monitoring the implementation.

They were:

1. That both labor and management should take a more aggressive role in the Administrative Committee's functions.
2. That the Craft Evaluation Committee, which had been non-functioning, should be fully operative at all times.
3. That community representatives should continue to voice their strong concern that active participation of all parties, including all government agencies, is essential. Follow-up on this report, its recommendations, and the Statements of Concern later in the Spring of 1976 brought out a number of problems: the non-signatory status of a number of unions (notably laborers and pile-drivers) working in the Bayview-Hunters Point area; differences of opinion about the 50% resident employment requirement; and other sore points ranging from the resentment of some union officials to the joblessness frustration of the residents. The HRC continued to meet with signators to the Agreement on these problems during the year.

Christmas Jobs Program with Downtown Retail Department Stores

This is one of the oldest on-going HRC affirmative action/employment projects, dating from 1964. The annual run-down on how successfully the HRC and the major downtown stores' Community Relations Group recruited, counseled, referred, and hired minority young people for Christmas jobs is given for the preceding year early in the next. Thus the February, 1976 report was for the 1975 Christmas season.

1975 saw a number of agreements reached by store representatives and HRC staff. They included: A concentration on disadvantaged youth, with recruitment and referral exclusively administered by the HRC; store interviews at the HRC offices for expediency; pre-job orientation; at least two weeks' work, minimum three-hour shift, at a \$2.50 an hour minimum; and no paper and pencil tests for applicants. Eight community agencies worked with HRC recruiters in the program. Careful screening included information on the purpose of the program, variety of positions, counseling on grooming, speech and shift work, etc. Skill Bank cards were used to eliminate the need of an applicant filling out a store application IF he or she were not to be considered for a position.

Problems outlined by HRC staff included:

- Lack of clear store specification, including policy on hiring ex-offenders.
- Lack of understanding of minimum age levels, which resulted in last-minute disqualification of some applicants.
- Unavailability of store-by-store statistics and an affirmative action commitment, hampering assessment of program effectiveness. Some statistics were made available, reported Alberta Grant, the HRC Affirmative Action Officer in charge of the project, but were not as detailed as asked for by the HRC.

It was noted in this report that the program was far more positive and encouraging compared with the "floundering" program status reported a year earlier. This was largely due to extensive planning sessions early in the year and cooperative effort involving all parties.

Recommendations adopted by the HRC for the Community Relations Group included: giving priority for full-time employment to successful employees of the Christmas Jobs Program; implementation of detailed hiring specifications with each store; expansion of the program; and utilization of a community-based agency dealing with multi-ethnic, disadvantaged youth as part of next year's program.

Employment Opportunity Program

Fifteen of the major downtown retail department stores were participants during 1976 in the Employment Opportunity Program, an affirmative action project begun in 1975 in an overall approach deemed vital because of the industry's large number of entry-level positions and low minority employment record.

HRC staff had long been concerned that there be participation of minorities and women at all levels in the retail industry. Six components formed the basis of this program:

1. "Age and Sex" bonafide occupational qualifications
2. Recruiting System (methodology used by stores)
3. Tests used by (Community Relations Group) member stores
4. Conviction record policy of member stores
5. List of jobs which fall in each job group
6. Practice of upgrading.

These conditions of employment were the focus of attention as as appendix to the main body of the program, and they were to be implemented by the stores, and monitored and evaluated by HRC staff over the next calender year, with a status report due early in 1977. It was hoped that with this overall approach to the retailing industry, many of the Christmas Jobs Program problems might be on the way to being solved.

Women in Apprenticeship Support

The HRC, active since its founding in supporting and encouraging apprenticeship training opportunities for minorities and youth, joined with advocates statewide in 1976 to back adoption of a series of proposed amendments to the California Plan for Equal Opportunity in Apprenticeship that would include provision for women in apprenticeship. The HRC endorsed these amendments as early as January of 1975. Wayne Redus, HRC Coordinator of Employment represented its advocacy at formal hearings held by the California Apprenticeship Council early in 1976. The Council voted unanimously to approve the amendments, making California the first state thus far to adopt such a program. By January 1, 1977, all joint apprenticeship councils in California were to have goals and timetables for women in their implementation plans.

Endorsement of Funding Request by Advocates for Women

The HRC gave its endorsement to the application by Advocates for Women to a local San Francisco-based foundation for modest funding for its program of recruitment, counseling, tutoring, and place - ment of women in nontraditional jobs, both blue and white-collar

jobs such as truck driver, entry-level management administrative assistants, etc. Advocates for Women has been in close touch with the HRC through the Employment Committee since its founding. Advocates for Women did receive its funding grant.

Policy on Affirmative Action Information Disclosure to Public

A number of community-based affirmative action agencies suggested to the HRC certain additions to its official Policy Governing Public Disclosure of Affirmative Action Information. This policy was adopted in May of 1976 and went into effect on July 1st. There was some discussion centering on the HRC's being able to charge a small fee for copies of "finalized documents relative to nondiscrimination and equal employment opportunity agreements, to all approved affirmative action programs, and to official contract compliance and monitoring reports." The HRC finally adopted the stance that an optional waiver (of costs for finalized documents) be included in the HRC Policy Governing Public Disclosure of Affirmative Action Information. Adoption of this policy had been required because of an accessibility issue in an earlier affirmative action dispute during 1975. The Commissioners also agreed that there would be a schedule of fees set up for providing copies of finalized documents to the public. The HRC was assisted in this matter by the Employment Law Center.

HRC Job Recruitment Activity Changeover

On April 1st, a number of community-based affirmative action agencies presented a position paper to the HRC relating to affirmative action and contract compliance and the role of the HRC's employment staff. At May meetings with HRC staff and the Employment Committee, signators to this position paper (including Chinese for Affirmative Action, Mission Hiring Hall, and others) said that their agencies' efforts in the field of recruitment of minorities for jobs suffered from the competition by HRC staff work. They pointed out that under their Comprehensive Employment Training Act (CETA) contracts they were required to show a certain number of placements. Six recommendations were made to the HRC by these community-based agencies, and the HRC initially determined that it could address five of them. HRC concerns included the fact that its CETA Civil Service Recruiters were hired under specific job descriptions, that shifting them to other positions might conflict with the \$10,000 salary limit set for CETA positions, and that some or all of the present Civil Service Recruiters might be displaced.

The HRC's full discussion of these six recommendations attracted a number of persons, both in favor of and opposed to them. After much debate, the HRC in the end did adopt the six recommendations as a Position Paper/Affirmative Action and Contract Compliance.

1. To leave the field of recruitment and placement and concentrate its efforts on contract compliance.
2. To advise each employer that referral to the HRC alone will not meet affirmative action requirements.
3. To use the HRC to mediate disputes between community groups and employers.
4. To increase the contract compliance and monitoring staff to cover all City contracts.
5. To select the staff compliance and monitoring staff from the current Civil Service Recruiter and Community Liaison workers.
6. To set up a Communications Committee to meet monthly with a representative from each agency to discuss concerns with respect to City Contractors.
7. To apply these six points only to the Human Rights Commission's Employment staff.

Opposition to U. S. Senate Bill 3069

New York Senator James Buckley was the author of this bill, which, with its companion measure H. R. 12603, was called the Anti-discrimination Act of 1976. In consideration by the HRC's Employment Committee, it was stressed that the most potentially damaging effect of S. 3069 would be on affirmative action, by prohibiting requirements for the use of goals and timetables based on race and sex on the part of federal contractors, and of reporting employment data based on race and sex. S.B.3069 would have required a court order to obtain information from an employer about the makeup of a workforce.

It was noted by Commissioners that the HRC Principles for Affirmative Action in Employment, adopted in May of 1973, had addressed the measurement of the effectiveness of affirmative action by knowledge, through statistics, of the makeup of workforces.

The HRC voted unanimously to oppose SB. 3069 and H.R. 12603, and they ultimately were defeated in the Congress.

Report on City Construction Projects Monitored by HRC/PUC

This is the semi-annual exhaustive joint report by the HRC and Public Utilities Commission on the status of affirmative action/contract compliance in major construction projects. The PUC reported in 1976 that as of March 31st it had 13 projects in progress for a total value of \$33,817,169.50. The largest number of minorities working in these projects was in the laborers' classification. In the six months since the last PUC report, there had been an increase from 12.2% to 29.9% minority hours worked in the carpenter class, and from 0% to 12.2% in the plumbers' class. Total minority work hours rose from 29.7% to 36.5%, and the number of minorities rose from 92 to 166. These increases were attributed to an increase in the commitment of PUC contractors.

Stanley Lim, the HRC's veteran Contract Compliance Officer, uses on-site visits (as does the PUC) as a double check on the figures reported by building inspectors, and payroll-like reports on employees, cross-checked (at Hunters Point projects) by field representatives at the Bayview Hunters Point Affirmative Action Program office. The mid-1976 HRC wrapup covered: one School District contract, six for the Department of Public Works, one for the Airport Commission, three in the Hunters Point area, and two privately-financed projects being built on public land. Fourteen projects were ready to start or just starting construction when Mr. Lim's report was made, an indication of the mushrooming of the HRC workload. Current projects totaled slightly under \$35 million in public funds.

The ethnic breakdown of the total workforce in 23 projects during the month of March in 1976 (the sample month) was: White: 50.6%; Spanish-Origin: 24.2%; Black: 20.4%; Native American Indian: 1.1%; Chinese 2.0%; Japanese: 0.4%; Filipino: 0.7%; and other Non-White minority: 0.6%. Minority workers totaled 49.4%, or 365 persons out of 728. This figure compared favorably with March of 1975 which showed an overall minority representation of 43.0%, and March, 1975, at 41.8%.

By craft and level of competence, five trades had minority groups above the minimum goals for the employment of minority persons set by the HRC: bricklayer: 36%; cement mason: 73%; painter: 39%; roofer: 67%; and sheet metal worker: 55%. But minorities were found below minimum goals in such trades as lather and plasterer: 24%; operating engineer: 29%; pile driver: 16%; and plumber and stem fitter: 18%.

For years, the HRC has reported that the level of participation by different ethnic groups in City construction is due mainly to historical reasons. For example, Spanish-Origin, Blacks and Native American Indians always have maintained a level at or above their percentage of the City population, but Asians, despite the fact that both Chinese and Filipinos showed marked increases, still lagged behind. In March, 1976, Asian total participation was up from 2.1% to 3.1%.

The employment of women in City construction continued to be a slow and frustrating experience. In 1974, 1975 and 1976, the HRC had been instrumental in placing nearly twenty women apprentices, but most of them were terminated after a short time of employment. During the reporting period, a total of four women apprentices was employed in City projects at various times. From initial data gathered, the HRC's Mr. Lim said that the high turnover rate is due to a combination of factors, the strongest being some of the employers' negative attitude towards women as construction workers and the nature of the apprenticeship process itself.

Problem areas identified for this report included, chiefly, apprenticeship, women in construction, and minority entrepreneurship.

- The reluctance of certain crafts to dispatch apprentices because of alleged high unemployment among journeypersons.
- Exemptions too routinely granted (by the State Division of Apprenticeship Standards) to contractors from meeting the apprentice-to-journeypersons ratio of 1 to 5.
- Employment of less than five journeypersons at any given time to minimize the number of apprentices on the job.
- Continued resistance to employing women as field workers.
- Failure to establish goals for inclusion of minority contractors.
- Lack of adequate HRC staff to handle the compliance program.

The HRC determined to "critically revise" its compliance program in order to:

- Establish goals for minority entrepreneurship participation.
- Set goals and timetables for a more stabilized employment pattern of women apprentices.

- Ensure better "ethnic balance" on a craft-by-craft basis.

The HRC paid tribute to a number of organizations which, directly or indirectly, assisted its monitoring activities: The Apprenticeship Opportunities Foundation, the Bayview Hunters Point Affirmative Action Program, the Women in Apprenticeship program of Advocates for Women, Chinese for Affirmative Action, and the Mission Hiring Hall. It was pointed out that the HRC staff is so small that it can only monitor City construction contracts over \$250,000.

Affirmative Action with Fisherman's Wharf Restaurants

In 1976 the HRC continued its monitoring of affirmative action in employment at eleven restaurants at Fisherman's Wharf and one private club at the Ferry Building which were signators to the definitive agreement first signed in 1974. The most recent agreement was signed October 24, 1975, calling for a quarterly analysis (hiring termination, affirmative action file, and upgrading) for the restaurants, all having more than five employees and holding leases with the Port Commission. The purpose of the survey was not only to monitor the agreement, but to isolate problem areas for possible solution, of course. A problem area (compliance with the HRC's reporting guidelines) evident in the mid-1976 report grew by the end of 1976 to strong resistance by one of the signator restaurants and an eventual legal challenge to the monitoring agreement conditions. Thus, it was not until June of 1976 that the reports through December 31, 1975, were all returned complete.

Breakdowns for employees included comparative analyses over a three-year period and summaries by percentage of the visible jobs for both white male/female and minority male/female.

The HRC's staff reported the following concerns:

1. Hiring, training, and promotion goals were not met by the signators during this reporting period.
2. Though employers had agreed to a goal of 50% minority and 30% women, only 10, or 9% were women and 35, or 32% were minorities.
3. Of the 21 persons being trained as of December 31, 1975, only one was female. She was being trained as an office worker and not in a nontraditional culinary position. The HRC had tried to get restaurants to participate in the apprenticeship programs for bartenders and cooks without success.
4. Though the agreement called for 60% of the promotions to be minorities and 40% women, only 47% were minority males and eight (or 27%) were females.

Virtually no improvement over the years 1973, 1974, or 1975 was made in minority hiring, the HRC emphasized, with the visible job category for minorities rising only 1.1%, from 24% in 1974 to 25.1% for 1975.

Though all signators had agreed that the HRC could review compliance anytime during the term of the agreement, in fact it was necessary, for this mid-1976 report, to threaten noncompliance proceedings in some cases. In one case a complaint had to be filed by HRC staff in order to obtain a quarterly survey report. HRC work was made more difficult by the fact that only one staff person could be assigned to this work at the Wharf.

Though there had been an improvement in the number of minority persons hired, promotional opportunities were still weak, with only 28% of the higher-paying visible categories filled by minorities.

The problem areas cited as far back as 1973 seemed to remain in such findings as there being only 4 Black waitresses out of 75, 5 Black waiters out of 181, not a single Native American Indian in the diningroom, and no Blacks, Japanese, or Native American Indians at all as bartenders. The small number of Blacks, Filipinos and Native American Indians represented overall continued to be the biggest problem area.

As a case in point, there was less than a 3% representation of Black people in the higher-paid dining room jobs, and less than 8% in the kitchen, even through the overall minority representation in the kitchen was 85.9%.

In summary, this 1976 report by HRC staff stated flatly that the 1970 affirmative action agreement had not been fully carried out. Other sources of referral and recruitment were not fully utilized; there was no effective effort to upgrade existing employees; the HRC did not receive notices of openings, terminations and the reasons for them as called for in the agreement; and, in reporting, in some cases the reported number of employees did not correspond with the reported number of job assignments.

The HRC's goals were to:

1. Increase contact for restaurants with job recruitment, training, and referral community groups active in the service area.
2. Make "aggressive use" of the complaint process in non-compliance by signators. Some eight or nine complaints were filed by the HRC during 1975 and early 1976.

3. Intensify individual contact with the restaurant managements.

4. Urge signators, individually and collectively, to take advantage of the training offered through the San Francisco Hotel Restaurant Labor Management Education Fund, including apprenticeship programs. The HRC steps already taken by the time of the mid-1976 report included:

1. Held a second contract compliance seminar meeting with community groups on how to work together to secure better affirmative action compliance.

2. Upgraded contact with the restaurants by dealing with owners and managers and not only bookkeepers who submit forms.

3. Expanded work on complaint processing.

Revised HRC Affirmative Action Program for City Construction

HRC staff (Stanley Lim, Contract Compliance Officer and others) concentrated on two new specific areas of improvement in this, the latest revision of the operating affirmative action program for construction projects. (The HRC ordinance provides for annual review to keep current with case law and federal, state, and local legislation.)

The two new areas were the setting of quantitative goals and timetables for women in apprenticeship, and the expansion of opportunity for minority entrepreneurship.

The HRC's program has been effective in achieving substantial minority participation in City contracts. It has done so in part by keeping abreast of current trends in affirmative action effectiveness and by the review process. Although the HRC is not bound legally by any outside action unless it affects City contracts directly, its commitment to assuring equal opportunity in employment as well as in economic development in City contracting requires it to meet the new challenges. To address these needs aggressively, the HRC takes the initiative to broaden its program and expand its area of coverage despite its still limited staff resources.

This revision of the program encompassed a staff draft, a conference with representatives of all the City's awarding agencies, and a public hearing with input from more than twenty organizations (minority contracting groups, womens' apprenticeship organizations, individual major contractors, awarding departments, etc.)

Major points added to this revised program included:

1. Language to achieve better ethnic balance, goals and timetables for women apprentices, and minority entrepreneurship goals. The basic structure of the program remained, with nine affirmative action steps required of contractors.
2. Taking into consideration the availability and bonding capacity of local minority contractors for general building construction, a declining scale from 25% minimum to 10%, depending on the value of the contract, was set as a required goal.

Minimum goals for the employment of minority persons and women apprentices for the years 1976 through 1979 were set. For minorities they were grouped into two trade listings, with ranges over the four years from a low of 27% to a high of 50%-plus. Women apprentice goals in building trades were set at 7% for 1976 and ranged up to 18% through 1979.

Architects/Engineers on City's Wastewater Program

This enormous undertaking, entailing construction of a billion-dollar (federal, state and local funding) water pollution control sewer project to cover years of work, naturally became one of the major activities of HRC contract compliance work. Major City contracts for architectural and engineering projects were awarded by the Department of Public Works for this project, called the San Francisco Wastewater Master Plan (later Program).

An overwhelming number of architectural and engineering firms responded to the Department of Public Works' request for water pollution bids and the HRC (with the Bureau of Sanitary Engineering) established a close relationship to facilitate the transmittal of information and final selection of consultants for each project.

Goals were established with three firms by the HRC after a careful analysis of the workforce and progress each firm had indicated. Some areas of concern, however, were common to all.

Minorities and women architects and engineers continued to be poorly represented. As one alternative for improvement, the HRC encouraged the use of referral organizations that are in contact with qualified minorities and females employed on the professional and technical level. The HRC has for several years worked closely with the Bay Area Engineering Societies' Committee for Manpower Training (ESCMT), providing career information to students, counseling, scholarships, on-the-job training, and summer/full-time employment referral and placement. In the HRC's first report in this area in 1976, minority representation in the various job categories in these firms ranged from a low of 11% to a high of 44%. Only 11% of the managerial level and 17% of the professional level were minorities. Asians constituted all of those minorities in the management level. There were no women at the Officials and Managers level. Women were

4.7% of the professionals and 9% of the technicians, and were heavily concentrated on the staff support level.

For much of 1976, a partial building ban was imposed on the eastern half of San Francisco because of the City's being placed on probation by the Regional Water Quality Control Board for violation of sewage effluent standards. This was lifted at year's end.

The HRC's immediate and concentrated efforts on this project stemmed, of course, from the significant effect it could have on employment in the City, and especially the entry opportunities for minorities and women.

HRC priorities with the architects and engineers included active recruitment and hiring of minorities and women on the professional and nonprofessional level, full utilization of referral organizations, and participation with on-the-job training programs.

The HRC endorsed the passage of a bond measure on the November City ballot which authorized the bonding to provide the funds necessary for the City's required 12.5% portion of the total Wastewater Master Plan cost.

Mayor's Select Committee on Yerba Buena

Though this long-delayed "redevelopment" project on acres of South of Market land did not revive during 1976, the HRC as late as August was reminding the Selection Committee of the HRC's involvement since 1965, focusing primarily on the areas of employment and housing. The HRC stood ready at year's end to return to its active part in ensuring that the promised employment and housing opportunities would be carried out as planned with community involvement. Commissioner Grafilo served on the Select Committee, which became inactive following its final report and recommendations.

Support of Proposition E, Changing Civil Service Rule of One

The City for years has used what has called the Rule of One in hiring qualified, tested job applicants. This meant that the person making the highest score in a Civil Service position test had the first right to the position. For a number of years there had been a move to substitute the Rule of Three, by which the hiring or appointing officer has the option of selecting one of the top three scorers for any given class.

The HRC's position on this point required long discussion at the Employment Committee. Two problem areas were paramount: that the proposed City Charter amendment did not require the appointing officer to justify his or her appointment, and, that there was no provision for a survey of the results or pattern of appointments

under the Rule of Three. Underlying these concerns was the fear that the factor of personal prejudice could crop up again when an option on hiring was offered. Minorities had made their first major inroads in the white-collar job sector in Civil Service, and many still felt that the Rule of One had made this possible.

On a close vote, 7 to 4, the HRC adopted a resolution supporting Proposition E (the Rule of Three Charter amendment) with the inclusion of a statement urging that the Mayor institute "a strong, effective affirmative action plan...including goals and timetables and utilizing the Rule of Three..." Proposition E passed in the November election.

Amendment of Nondiscrimination Ordinance Adding Disability

In late 1976, Supervisor John Molinari introduced legislation calling for an amendment to Chapter 12B, the Nondiscrimination Ordinance, to add physical disability to the categories of race, color, creed, national origin, ancestry, age, sex, and sexual orientation already covered.

The HRC's adoption of a Resolution Urging Inclusion of Physical Disability in Chapter 12B of the Administrative Code was with the proviso that the HRC staff work out with Supervisor Molinari the wording of inclusions. The HRC resolution also called on the Board of Supervisors to approve additional staff for the HRC as a companion measure in budget calculations, in addition to approving an emergency appropriation for one permanent staff position to provide the services the physically disabled would have the right to expect.

Subsequently the word "physical" was dropped and, after public hearings in December of 1976 the final definition of disability was adopted:

"Disability is a physical or mental impairment which does not make the person incapable of performing his/her duties with a reasonable accommodation to his/her disability, and does not make the person incapable of performing such duties in a manner which would endanger his/her health and safety or the health and safety of others."

Endorsement of Yerba Buena Convention Hall Bond Proposition S

The HRC heard both opponents and proponents on the matter of Proposition S in the November City ballot. The proposition asked for affirmation of construction "of a convention exhibit hall at the Yerba Buena Center, (using a 4% hotel room tax to finance lease revenue bonds) underground if financially feasible, otherwise above ground."

HRC's eventual endorsement of the proposition was also with the expression that its primary concern in the planning and discussion over a number of years about Yerba Buena has been the job-generating nature of the project, with particular emphasis, of course, on affirmative action in those jobs.

Finding in Discrimination Case Against Pacific Telephone

This case dated back to 1972, when the HRC received the initial complaint that a man could not be hired at Pacific Telephone & Telegraph Company because at that time its stated policy was "we do not knowingly hire or retain in employment, homosexuals." Although the City Attorney opinion at this time was that the HRC did not have jurisdiction, it did continue to meet with PT&T to try to get it to change this discriminatory policy. The policy was altered somewhat, to say that the company did not hire people who, in their view, would cause "problems involving customers and personnel...including, but not limited to, any manifest homosexual." They stated also that they would not discharge employees solely for homosexuality.

In 1973, the Pride Foundation, a California organization active in Gay affairs and advocacy, filed a formal complaint with the HRC alleging that PT&T's policy regarding homosexuals violated the Nondiscrimination Ordinance through the utility's contract with the City Department of Public Works for the installation and maintenance of coin-operated telephones on public property. This time, the City Attorney held that the HRC did have jurisdiction. Formal notification and investigation began in 1973, but dragged on until an amended complaint was filed in 1975. By the end of 1975, though PT&T had replied to it, there had been no resolution.

During 1976, three public hearings were held by the eight HRC members eligible to sit. The Administrative Hearing followed a Finding of Noncompliance by the Director, and, on appeal, by an HRC show cause panel. The Administrative Hearing Finding was that Pacific Telephone & Telegraph Company's current statement of employment policy would be in violation of the provisions of Section 12B (the Nondiscrimination Ordinance) as a published statement. The Finding stated that "...it lacks the forthright assertion that PT&T does not and will not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex or sexual orientation." Pacific Telephone was ordered to publish within thirty days a policy stating it does not and will not discriminate on these bases.

Affirmative Action with Insurance Brokers/Companies

Having broken ground a number of years back in trying to expand opportunities for minorities and women in the insurance industry,

the HRC in 1976 continued its affirmative action work with four insurance brokers and five insurance companies doing business with the City. The brokers did approximately 97% of the City's insurance placement and the five companies (with workforces ranging from 90 to 2,700) each received premiums in excess of \$35,000 per year.

Alberta Grant, the HRC's Affirmative Action Officer, reported on the status during 1976 of work in this field, noting that strict comparison between 1975 and 1976 could not be made because the number of companies doing business with the City declined considerably.

Nevertheless, the insurance industry continued to be a focal point of affirmative action attention because of its high employment potential. Traditional high turnover in the industry, while not a completely positive situation, did provide greater opportunities for hiring. Total minority employees in these brokers and companies totaled 27.1% for 1976; 8.9% of minorities were in positions above the clerical level; 22.8% in above-clerical jobs were women.

The HRC's concern continued: that minorities achieve equitable and increased participation in the total workforce, and that women, still holding primarily clerical jobs, achieve more in the professional and managerial levels. However, the major problem in 1976 in the insurance industry continued to be the low participation of minority males (6.9%) at all levels.

The HRC's specific goals at the close of 1976 at the time of this status report included:

1. Expansion of employer recruitment of minority males.
2. Utilization of existing training programs.
3. Use of community-oriented referral sources.
4. Special training for interviewers in finding a wider range of jobs for minorities and women.
5. Incentives for outside training programs and detailed record-keeping of race and sex of attendees coupled with progress reports on success and failure factors.
6. Re-establishment of regular reporting procedures for all employers monitored.

One problem encountered by Ms. Grant was the claim by some companies that they could not find minority people interested in employment, despite the presence of a number of community recruitment agencies.

It was pointed out that in this instance, as in other affirmative action areas, the HRC's very small staff cannot adequately cover the area it is mandated to cover. Without permanent staff, for example, temporary staff (CETA and others) have had to be assigned to the insurance field. This means that when temporary people leave when they find permanent jobs, a new person has to re-establish contacts with the brokers and companies.

Annual Status Report on City Civil Service

This, too, is one of the HRC's "classic" regular reports, for the City's Civil Service traditionally has been one of the major avenues for equal employment opportunity for minorities, in spite of the fact that the City in 1976 still did not have a formal affirmative action program. The Civil Service Commission did adopt an affirmative action policy in 1972.

Frank Anderson, HRC Employment Representative, has this area as his major assignment. In this latest report, he pointed out that the HRC's involvement with City Civil Service dates back to 1965, and that despite limited attempts at public awareness, a number of popular myths persist:

- that Civil Service jobs are obtained through patronage.
- that Civil Service people cannot be dismissed (the Civil Service Commission agenda weekly contains some 15 to 20 terminations).
- that City workers are inept and nonproductive.
- that streetcleaners are paid more than professionals, etc.

Mr. Anderson emphasized the uniqueness of the HRC report on Civil Service as being by a City department, rather than a private or civic affairs outside group.

It was stressed that the HRC's general affirmative action approach is to effect institutional changes in employment systems, such as the CSC (Civil Service Commission) that affect the livelihood of the disadvantaged citizens. The CSC has borne, because of an economic recession and continuing high unemployment, a greater responsibility in recent years in employment of the disadvantaged and is looked to for jobs because of:

1. Accessibility of the public work sites.
2. Presence of a large number of public service jobs with relatively minimum educational skill and experience requirements.
3. Competitive wages at the entry level.
4. Basic insurance, sick leave, vacation, and retirement pension benefits.

Though some progress was reported in the area of unfair and discriminatory employment practices, which generate complaints to the HRC, Mr. Anderson reported some key problem areas remained during 1976. HRC's involvement in complaints has three major purposes:

1. To inform disadvantaged persons of their rights and assist them with the complexities of the Civil Service system.
2. To solve or resolve the complaint fairly and satisfactorily.
3. To make recommendations to prevent the continuation of the problem. This latter point is the key thrust of the HRC's overall involvement with CSC and other City departments. Mr. Anderson noted that the CSC staff, permanent and temporary, totals 129, to serve a workforce of approximately 24,000.

Fifty-five percent of the 173 Civil Service complaints processed in 1975, for example, were charges alleging race as a basis---25% on the basis of national origin---15% on the basis of sex.

Qualification requirements continued and continue to be a major problem. The HRC maintains that applicants should be required to possess only the specific skills and knowledge necessary to perform the job. The HRC also is concerned with recency of education and experience requirements. Few validity studies have been done on City examination procedures because of staff and money shortages. The HRC continues to recommend qualified ethnic minorities and women to oral selection boards.

The HRC also continued to work with the CSC throughout 1976 to hopefully get adoption of a working affirmative action program. The final draft of such a program was expected in 1977.

The HRC did not fail to note some significant improvements achieved by the CSC since 1971, with what was called a dramatic rise from 31% minority participation in 1971 to 44% in 1975. Others were the first management training program, an employment information service for applicants, development of a new grievance procedure, and so on.

At the last 1976 regular meeting of the HRC, Bernard Orsi, the outgoing General Manager of the CSC, who had called Mr. Anderson's report "outstanding and comprehensive," appeared for a long presentation to and discussion with the HRC. At that time, he stated, that there were some 10,000 eligible persons waiting for job openings in the Civil Service; more than 50% were minorities, according to Mr. Orsi. He pledged the system to responsiveness to community

demands for equal opportunity and affirmative action. He urged Charter reform regarding internal promotive policies, while preserving the basic seniority concept, and a change in the training of employees or of persons for employment based on analysis of what other programs have or have not achieved.

At this same meeting, the president of the Civil Service Commission reviewed a plan he had written for affirmative action. The plan had been discussed with HRC's Director and staff by telephone only a few days before this meeting, and there had been no time for staff review or consideration by the Employment Committee. The official conceded that his plan was virtually verbatim from a policy statement of the Equal Employment Opportunity Coordinating Council of August 26, 1976. There was considerable HRC commentary on this plan, in part because the HRC could not endorse or oppose without careful study of its effectiveness and applicability. The year ended without Civil Service Commission action on this plan.

G A Y A D V I S O R Y

THE PURPOSE

(As defined by the Gay Advisory Committee)

"The Human Rights Commission of San Francisco has a national reputation in showing a deep and sensitive interest in the welfare of the City's Gay communities.

"By ordinance in 1972, San Francisco's Gay citizens were granted protection within the City's Administrative Code, Sections 12A and 12B. In March, 1975, the Human Rights Commission hired a Gay Community Liaison staff worker, the first governmental position in this country designed to work specifically and completely with the Gay communities. The creation of the Gay Advisory Committee provided a model step to be followed by other Human Rights agencies across the country. And, perhaps most significantly, this year the Human Rights Commission of San Francisco found the Pacific Telephone Company in violation of the Nondiscrimination Ordinance (12B), and ordered the company to change its anti-Gay employment policy.

"We are aware that the Human Rights Commission cannot solve all of the problems contained in this report. But this report can begin the process by making these concerns public, and by alerting responsible agencies and interested citizens to possible solutions.

"State and national legislation granting protection to Gays is most urgently needed, especially in the area of employment. The reasonable fear of losing one's job when sexual orientation is disclosed or discovered is the key that keeps the closet doors locked. It is still a legal practice to discriminate against Gays in employment in this State, and City laws are extremely limited. Changing laws does not necessarily alter attitudes; more public information and education must be made available to both Gay and non-Gay people.

"There is strong evidence that a Gay population, the size of San Francisco's, with the available talent and energy, political and social awareness, can do much to help itself.

"The democratic theory that the first and last word belongs to the citizen is true only when actively applied."

Public Meetings on Gay Community Concerns

During 1976, the Gay Advisory Committee, the newest of the HRC's standing committees (it was founded and began work in the Fall of 1975), sponsored three public meetings. These meetings reinforced the HRC's national reputation as being deeply concerned in

the welfare of Gay communities. One was in the Castro Street neighborhood, one in the Polk Street neighborhood, and one in the Civic Center; these three areas in recent years had become known as centers of Gay community residency and business activity. The meetings were held to solicit and stimulate response and contributions from the Gay community regarding social inequities they encounter as well as any other concerns to which the HRC's Gay Advisory Committee might address itself.

The public hearings were highly successful. They received ample coverage by the media; they were well-attended, and they came up with a number of issues, including: employment and public service discrimination, negative public media presentations on Gay lifestyles; religious and educational insensitivity to public understanding and tolerance for Gays; need for a Gay community center; and reinforcement and expansion of legal and administrative protection for Gay human rights in employment, housing, education, etc.

Items of Concern During 1976

The Committee reflected Gay community concern over the Civil Service Commission job announcement for the Firefighter position which precluded applicants who had military classifications (or discharge) of 4F or IU. On this basis, it was charged, many homosexuals would not be eligible to apply. The Pride Foundation wrote to the CSC General Manager protesting this condition, claiming that it was discriminatory under the HRC's operating ordinances (Chapters 12A and 12B of the Administrative Code).

As a result of HRC response and the Pride Foundation, the Civil Service Commission in effect removed this condition on the Firefighter job announcement by extending the closing date for filing so that any who had not filed because they had a 4F or IU classification could do so.

Assembly Bill 3124 Relating to the FEPC

The Gay community was quite active in pressing the State Fair Employment Practices Commission to administratively interpret the category of sex in its Act to include sexual orientation.

At the HRC, the Gay Advisory and Employment committees were to meet together to thresh out a recommended HRC position on this bill. Instead, different recommendations came from each committee for HRC debate.

AB 3124 would restructure the FEPC and its functions in implementing equal opportunity laws. The Gay Advisory Committee position was that HRC endorsement should come "only with the inclusion of a statement that the areas of discrimination listed are considered

illustrative and not definitive...". The Employment Committee, however, did not accept the Gay Advisory condition, but it unanimously reaffirmed its previous endorsement of AB 3124 came with a statement urging that its authors and sponsors include a statement that "the areas of discrimination listed are considered illustrative and not definitive." AB 3124, however, did not pass in the Legislature.

Resolution Supporting Police Community Relations Director

A community issue during the year that aroused strong feelings was the controversy over the status of Rodney Williams, for a number of years the Director of the San Francisco Police Department's Community Relations Unit. There had been efforts over these years to obtain for Mr. Williams the salary and rank consistent with his position (he remained officially a line Officer-Inspector). The unit had been represented for many years in the work of the HRC, with common interests and concerns in bridging the gap between community and the Police Department. The HRC, after a presentation from Mr. Williams, and on recommendation of both its Gay Advisory and Police Liaison Committees, voted a formal resolution supporting him in his salary and rank upgrading. Despite this and other support, the Civil Service Commission denied him the rank and salary upgrading and he was transferred out of the unit back to work as an Inspector.

Actions Regarding Gay Concerns and the School District

- A Resolution Urging Board of Education Action Regarding the Gay Community, adopted in the Spring of 1976, came out of the joint recommendation of the Gay Advisory and Youth & Education committees. The resolution noted that the Gay Advisory Committee had received a number of reports of physical and verbal violence and harassment of Gay students. It pointed out that other school districts, including Santa Barbara and Marin County, had developed curricula accurately reflecting Gay lifestyles. And it urged that the SFUSD develop family life curricula and materials to reflect Gay lifestyles; that educational workshops for administrators, parents, pupil services workers, and teachers be instituted dealing with human sexuality and adolescent physiological and emotional development; and that, at the elementary level, sensitization to Gay lifestyles be accomplished through teachings aimed at eliminating name-calling, sexual role-stereotyping, and institutionalized sexism.

- The HRC, on committee recommendation, also supported the District's holding two administrative workshops for high school principals, assistant principals, and counselors. According to the District Supervisor of Health Education, in the first workshop they would deal with valuing and decision-making, including the influences

of moral, ethical, and spiritual values on choices of personal behavior. In the second, with human sexuality, adolescent development, masculinity, femininity, roles, stereotypes, and community counseling resources.

- The HRC also formally requested that the School District reissue, publicize, and permanently post in prominent places within the school sites, the Students Rights and Responsibilities manual, which includes procedures for forming and publicizing school clubs.

Letter Supporting Investigation of Gonzales Case

The HRC, after study and recommendation by the Gay Advisory Committee, sent a letter to the Governor's Extradition Secretary supporting an investigation of the case of Cecilia Gonzales, then a resident of San Francisco. Ms. Gonzales, a 20-year-old Chicana lesbian, had been arrested in 1974 in a shooting incident in Colorado and pleaded innocent by reason of insanity. After three years in a mental institution in Colorado and various court actions, she escaped early in 1976 and came to San Francisco. At the time the HRC was asked by the Women's Litigation Unit of the Neighborhood Legal Assistance Foundation to support the investigation, she was being held on an extradition order from Colorado. She eventually was extradited to Colorado.

Gay Community Liaison Worker Activities

Jo Daly served as the HRC's Gay Community Liaison worker and helped set up the Gay Advisory Committee, with Commissioner Phyllis Lyon as chairperson. Daly's work encompassed: analysis of legislation pertaining to discrimination based on marital status, sex, or sexual orientation, and of bills affecting policy powers and concerning sex education for doctors; compilation, with Frank Firth, of a publication entitled "Ending Discrimination Against Lesbians and Gay Men", a privately-funded project, designed as a resource tool to aid in the passage of ordinances to extend protection to Gay citizens; speeches throughout the state on legislation and civil rights issues affecting Gay citizens; work with the Civil Service on job exams (see section regarding the Firefighter examination); staff duties for the Gay Advisory Committee; and preliminary investigation in Gay discrimination cases.

HOUSING AND URBAN DEVELOPMENT

Follow-up on Children's Ordinance

This precedent-setting ordinance was passed in 1975, largely through the work of a City-wide coalition of organizations including the HRC through its then-HRC Housing Representative Edith Witt. Basically, it prohibits landlords from discrimination against prospective or actual tenants on the basis of children in the family.

It is subject to annual review over a period of three years. The HRC has continued to hear many complaints from persons charging such discrimination and to aid in filing formal complaints with the District Attorney.

During 1976 the HRC's contacts with the coalition were maintained, and the CETA Housing Specialist who remained after Ms. Witt's resignation in early 1976 designed a handsome bus sign which was posted in Muni buses and streetcars City-wide. It said "Kids Gotta Live Somewhere" and "if landlords say 'no kids' call: Children's Rights Group, Council for Civic Unity, or the Human Rights Commission."

The District Attorney and Chief Assistant District Attorney informed the HRC that they would prefer that the HRC and other organizations screen complaint cases (discrimination against children) and provide some well-documented ones to work on.

Tenants for Action Group at Hunters Point

Staff met with this group, which was protesting a number of Housing Authority decisions relative to repair and/or demolition of low-income rental units at Hunters Point. This section of the City and its housing conditions had been and continued to be a constantly recurring crisis situation. Tenants for Action had a number of specific requests in this particular instance, some of which had been granted, but the deliberation on others needed such assistance as the HRC could render.

In time, these points, i.e., a relocation and moving fee payment, and sole negotiating status for Tenants for Action, were the subject of further discussions.

Small Claims Court Tenant Problem

Members of the Committee met with Judge Albert Wollenberg, the presiding judge of the Municipal Court after a member of the Haight Ashbury Legal Project staff brought to it the problem of Small Claims Court clerks not allowing tenants to sue for punitive damages in cases where the landlord won't return a security deposit. The Judge, after the meeting with Housing Committee members, stated that

tenants would henceforth be allowed to sue for these damages in these cases. A letter of official HRC thanks to Judge Wollenberg was sent.

Support for the Straight Theatre-Park Masonic Hall Center

The HRC Director sent a letter of support to the City's Park & Recreation Committee for a concert to be held in Golden Gate Park to raise funds for purchase of the Straight Theatre (an abandoned former movie theatre on Haight Street) to be combined with the Park-Masonic Hall as a community cultural center complex. Unfortunately, this project did not come to success.

Support for AB 4479 Regarding Rumford Act Pre-emption

The HRC's endorsement of this measure was based on its experience over the years with the provision of the Rumford Fair Housing Act making it the exclusive law (pre-emptive, in other words, to all local legislation in fair housing) regulating the whole field of discrimination in housing. Despite HRC and other support, this measure failed in the State Legislature.

Proposition 15, the Nuclear Power Plants Initiative

One of the most controversial of all propositions on the State ballot in June of 1976 was Proposition 15, the Nuclear Power Plants Initiative, which would have curbed nuclear power plant expansion. It was bitterly fought by corporate and other interests and opposed by environmentalists and others.

At the Committee level, both proponents (Californians for Nuclear Safeguards) and opponents (No on 15 Committee) made presentations, and materials were sent to all Commissioners in preparation for a full-scale discussion at a regular meeting.

The Committee took the position that the Nuclear Initiative addressed the future of the community and basic human rights as affected by the supply of energy, and that decisions of this nature should be made by the general public, not just elected officials.

The Committee's recommendation to the HRC was that it "support the intent of the Nuclear Power Plants Initiative, and that it urge the Board of Supervisors to hold hearings on it." The HRC debate was protracted and opinions ranged from those members who felt the initiative should be supported totally, to those who felt it was an issue beyond the purview and scope of expertise of the HRC. A motion on the latter point was defeated 9 to 2.

The HRC, of course, heard spokespersons for both sides of the issue. After much discussion and after motions both to oppose

and support Proposition 15 failed to pass, the HRC voted to take no position.

International Hotel Issue In Its Eighth Year

During 1976 the HRC was involved directly and indirectly with this continuing, sometimes-fiery housing issue, namely, the retention of the International Hotel as the home of mostly elderly, mostly male, mostly Filipino or other Asian persons at very low rents.

Demolition by the owners, who changed from a locally-based real estate owner and developer to a Hong-Kong-based real estate acquisition and investment firm, had been the key point of contention; the owners wished to be granted a demolition permit and the tenants opposed it. The original tenants were supported during the year by a highly-organized Workers Committee of mostly young people who did not actually live in the hotel.

During the year much of the effort was carried on in the courts, but much also in widely-publicized street demonstrations, at the hotel and in other City locations, including the City Hall.

The tenants, through their attorney, appealed to the City Housing Authority to use its powers of eminent domain to acquire the building and permit its retention by the Tenants Association and continuance as low-income housing under their eventual ownership. The Hong Kong company, Four Seas Corporation, asked a price (\$1,250,000), which was \$500,000 above what they originally paid for it. They provided no maintenance or repair for the building, located on the fringe of Chinatown, but the tenants, aided by community contributions, spent thousands of dollars in repairing and refurbishing.

The HRC, from the outset, supported retaining the hotel as a resource for both low-income housing and community agencies, and also the Housing Authority's using its power of eminent domain. All this was communicated to the Housing Authority and the Mayor's Office.

David Prowler of the HRC housing staff served on behalf of the HRC as a liaison person between the Sheriff's Department (charged with the carrying-out of actual eviction should the courts so order) and the hotel supporters and tenants. There was much legal activity, with the situation changing almost weekly as orders to evict were issued, then postponed, then re-issued, then appealed, and so on.

Nonviolent, civil disobedience was one strategy that was utilized by the tenants in the Fall, when Sheriff's deputies actually appeared on the scene. No evictions were carried out. By the end of 1976, the Housing Authority had voted to acquire the building (the International Hotel) by eminent domain. But as 1977 wore on, more legal complications delayed carrying this out.

Housing Specialist's 1976 Activities

In summation, the major projects undertaken by the Housing Section in 1976 were:

- Assistance to the International Hotel Tenants' Association.
- Conduct of tenants' rights training classes for Tenants' Action Group, the San Francisco Police Academy, and Chinatown social service workers.
- Staff assistance to the Housing Subcommittee of the Mayor's Select Committee on Yerba Buena Center.
- Attendance at workshops on housing finance, the economics of rent, housing integration, and municipal finance.
- A meeting with Judge Wollenberg on security deposit damage policy.
- Research and consultation on code enforcement procedures.
- Ongoing contact with community housing groups.

Affirmative Marketing in Subdivisions

Throughout the year, staff received from the Department of Public Works notification of pending condominium conversions and construction. According to the City's Subdivision Code, passed in 1975, the Human Rights Commission is authorized to ensure that an affirmative marketing program is instituted in any subdivision within the City. Staff worked with developers and owners to insure that sales programs included "informational and promotional activity for the purpose of eliminating discrimination in housing accommodations because of race, religion, national origin, sex, or any other basis prohibited by law."

P O L I C E L I A I S O N

The White Panther Party

One of the most volatile and time-consuming issues during all of 1976 for the HRC was that raised by the White Panther Party, a small group based in the Haight-Ashbury neighborhood which described itself as a political organization, operated a food co-operative, a "neighborhood escort service", and lived communally. At the first part of the year, representatives of the Party were seeking HRC cooperation in drawing up guidelines to present to the Police Commission on policy regarding Police procedures with persons who are witnesses to arrests.

This issue was escalated in the Spring of the year, when the White Panther Party circulated a statement/petition calling on public officials to investigate an incident/confrontation with the police that took place on July 21, 1974 at the residence of the White Panther Party members in the Haight-Ashbury district. That incident resulted in a number of arrests and the eventual conviction and imprisonment of two White Panther Party members.

At least two regular meetings of the full HRC and a number of Police Liaison Committee meetings were dominated by representatives of the White Panther Party, seeking full HRC advocacy of their cause, which eventually centered on the fact that the two imprisoned party members were due soon to be considered for parole.

The Committee initially was asked to recommend that the HRC officially "support the concept of the White Panther Party in seeking the truth in the matter of the incident (of July 12, 1974)..." Copies of a White Panther Party petition, plus the representations of support from various community speakers, failed to obtain this concept support statement, however, and the HRC voted to "seek the approval of the Mayor in the conduct of an independent investigation... and...request the cooperation of the Police Commission..." Commissioner positions ranged from support for the HRC doing an independent investigation of the July 12, 1974 incident, to reservations that it could not hope to set a precedent for dealing with all such kinds of community issues without having investigative staff and resources. The HRC action of asking permission of the Mayor to investigate another City department (in this case, the Police Department) was required by its ordinance.

On July 8th, the Mayor refused to grant his permission in the course of a formal presentation before the HRC on general matters. He suggested that such an investigation could be done by the Police Commission and the Chief of Police, and that as a possible reform of the present system for such investigations, the HRC could, after seeking facts from all parties (to the 1974 incident), again present a counter-argument to him.

Some 75 to 100 persons attended the regular HRC meeting on August 12th, at which the Police Liaison Committee's recommended position was announced. During the lively, sometimes heated, discussion that ensued (including statements from the Chief of Police and from a minister in the Haight-Ashbury district), and the debate over the point of whether the HRC could, should, was legally entitled or had been authorized to conduct an independent investigation, it was finally voted to grant the Police Liaison Committee permission to request a meeting with the Chief, the District Attorney, and Police Commission. Based on the information it received and additional information from the White Panther Party, the Committee would return to the full HRC with a report and recommendations.

In September, the Police Commission tabled the Police Liaison Committee's request for their cooperation in the investigation and recommended instead that the complainants make formal complaints to the Commission against any individuals they accused in connection with any incident, including the July 12, 1974 incident. Members of the White Panther Party were not present at this meeting. The HRC then referred the allegations of the White Panthers to staff for its assistance in framing specific allegations pertaining to the July 12th incident in respect to activities of members of the Police, as well as the Fire, and Recreation and Parks departments.

Youth Employment Program for Juveniles

The Committee at the outset supported the concept, but not the specifics, of a proposed San Francisco Youth Employment Program. This was a planned eight-month demonstration project with two goals: to reduce the recidivism among 200 juvenile offenders on the Municipal Railway (offenders identified by the Police Department) and to reduce juvenile violence and vandalism on the Muni.

The HRC had been part of the Municipal Railway-Youth Task Force set up by the Mayor's Office in 1975 after widely-publicized outbreaks of juvenile violence against passengers of Municipal Railway buses and streetcars.

In mid-summer of 1976 the HRC formally adopted a Resolution of Endorsement of the Memorandum of Cooperation, Municipal Agencies Task Force on Harassment and Violence and the Municipal Railway. The memorandum included the direction that the HRC, along with the Police Department Community Relations Unit, the Community Streetwork Center, and the Board of Supervisors' Citizens Advisory Panel for Transit

Improvement, help further community understanding of what was by this time called the Streetwork and Youth Employment Projects of the Youth Service Bureau.

The City brought in community group support through public hearings, after state and federal approval had been obtained in late 1976 for a \$388,888 grant for this program. The grant was made by the California Council on Criminal Justice under the Omnibus Crime Control and Safe Streets Act of 1968. The basic work program was in job training and employment through streetworker paraprofessionals. The Youth Service Bureau was to be the designated administrative agency, working in cooperation with the Mayor's Office and the Task Force.

But by late November, the HRC's Director was reactivating the Muni-Youth Task Force because of the renewed incidents of reported violent acts by youths against Muni passengers. The much-discussed Youth Streetwork and Employment Program/Projects was dead. The City's Board of Supervisors had not approved the funding proposal in time, and the State monies were diverted to Orange County, where a helicopter was purchased.

HRC Support of Women Against Rape Organization

Women against Rape was organized in the Fall of 1974 and its primary concern was a rape-crisis service, with some twenty advocates operating a telephone service 16 hours a day, but with 24-hour service in case of a rape crisis situation. WAR in 1976 was receiving an average of two victim calls daily, and some 90 general informational requests per month. It also placed information films for educational TV, worked with the District Attorney's Office and Sexual Trauma Center, and did referral to doctors, housing, and legal services. WAR advocates accompanied women victims to hospitals, the police, and to courts. A supportive HRC resolution for the work of WAR urged that WAR expertise be used by various City departments and agencies, including the Police Department, the courts, and the Department of Public Health.

Bar Association Citizens' Complaint Proposal Endorsement

The HRC's endorsement of the San Francisco Bar Association's Proposed Citizens' Complaint Procedures for the San Francisco Police Commission came after a full discussion at both Committee and HRC level. The Chief of Police declined an HRC invitation to speak to it when it considered its action.

The Bar Association's Executive Director pointed to two of the changes the proposal would make on handling citizens' complaints:

1. That investigations would be carried out by professional, civilian investigators hired through the Civil Service Commission, and not members of the Police Department.

2. That both complainant and accused Police Department members would have the right to a hearing before the administrative hearing officer, rather than the existing procedure of an investigation and report being made to the Chief, through the findings of the Internal Affairs Bureau, and, if more than ten days' suspension is involved, going before the Police Commission.

Resolution of Arab Merchants and Bayview/Hunters Point Crisis

The HRC's mediation efforts were solicited by Arab merchants and residents of the Bayview/Hunters Point neighborhood to resolve tensions brought on by the shooting death of a resident in an Arab-owned neighborhood grocery store in mid-summer. The HRC was contacted first by the Police Community Relations Unit at the request of the Chief of Police. Meetings at the HRC resulted in the drawing up of specific agreements with the consent of both sides to resolve the immediate threat of violence. As part of the agreements, and as a means of dealing rationally and objectively with other community tension-producing situations, the formation of an Intergroup Communications Committee was designated. Spokespersons for the San Francisco Independent Grocers Association (which represents some 450 Arab-owned groceries throughout the City), and of the New Breed Community Development Corporation (in the Bayview/Hunters Point district) expressed their admiration for the mediation work of the HRC, and supported the concept of the Intergroup Communications Committee. The Police Liaison Committee was charged with establishing "a more specific purpose and more specific criteria for membership of an Intergroup Communications Committee."

S O C I A L P R O G R A M S

Physically Handicapped Funding Proposal Endorsement

Evidence of the Social Program Committee's increasing involvement with and advocacy for the services to physically-handicapped people was its making a recommendation for HRC endorsement of a funding proposal of the California Association of the Physically Handicapped.

The association sought \$58,995 from the Campaign for Human Development to partially fund (needed altogether was \$185,000) an office in San Francisco similar to the Center for Independent Living in Berkeley. The Center was to be staffed when it opened in San Francisco by physically-handicapped persons and would provide information and referral, out-reach activities, direct client assistance, recruiting, screening and referral of attendants for the handicapped, training in self-care techniques, housing location, and psycho-social peer counseling.

The Association reported, at the time of ~~its~~ grant application, that there were no agencies in the City currently providing these services. Funds were being sought from other agencies, both private and public, to help, through the above-designated services, provide the means for physically-handicapped persons to live independently in the City.

Testimony at State Public Utilities Hearing on Multilingual Phone Service

The HRC was represented by staff at a public hearing of the Public Utilities Commission in February on the subject of providing multilingual telephone emergency services throughout the State. The HRC and the Social Programs Committee had been involved in this effort for several years, through membership on a City-wide departmental planning committee for the implementation of the 911 emergency telephone service. It also had met with Pacific Telephone officials to press for expansion of and additions to services for persons whose first language is not English. This has included, in the past, inserts in the telephone directory in major San Francisco languages giving emergency directions, inserts in bills, postings in public telephones, employment of multilingual operators, etc.

Opposition to U.S. Senate Bill 1

Civil libertarians were joined by many other segments of the legal profession nationally during 1976 in the controversy over the impending Senate action on Senate Bill 1. This bill, written largely by the Nixon Administration Justice Department, was announced as a revision of the United States Criminal Code. Its opponents

maintained that scores of sections of the complex, 700-plus-page bill posed a real threat to civil liberties such as dissent, freedom of assembly, of the press, and so forth.

The Social Programs Committee heard from proponents and opponents both. It came forth with a recommendation that the HRC formally oppose the bill. A representative of the American Civil Liberties Union made a presentation detailing changes the bill would make concerning the definition of a "riot", for example, a change in the definition of entrapment, and the establishment of the equivalent of an Official Secrets Act.

The HRC's vote was that it join the City's Board of Supervisors in opposing passage of S.1, as well as a compromise bill proposed by Senators Hugh Scott and Mike Mansfield. The Senate Judiciary Committee eventually postponed acting on S.1 until the 1976 post-election session.

Committee Discussions with Regional Immigration Director

The Committee found much of its work during 1976 involved the rights of immigrants or aliens living in this country. Community feelings were especially strong in San Francisco, given its status as a cosmopolitan, port city, and its rich ethnic concentration of residents.

David Ilchert, Regional Director of the U.S. Immigration & Naturalization Service, came with a deputy to a regular meeting of the Committee for a full discussion, which was followed up by a letter specifying continuing points the Committee felt vital.

The Committee had originally written Mr. Ilchert because of community and HRC reaction to a newspaper interview he gave to the San Francisco Examiner & Chronicle. In it he expressed as a declared priority the "deporting of illegal aliens", and attributed the presence of numbers of "illegal" aliens as contributory factors in high unemployment. The Committee's letter underlined the adverse effect on community harmony between ethnic groups and native-born employers, landlords, neighbors, co-workers, passers-by, travelers, public service agencies, etc. such positions as published could have.

Mr. Ilchert confirmed that policy for the Regional Office stems directly from that set by Washington; he confirmed also that the estimated six or eight million illegal aliens in the United States were reported in a survey contracted for by the INS. Though the INS people claimed there was high competition for jobs from illegal aliens, and that they had an adverse effect economically, he

admitted that of some 6,000 aliens apprehended in the Greater Bay Area, including Santa Clara County in a six-month period, 55% were employed. Two-thirds were in the \$2.50 to \$4.49 per hour range and one-third made less than the minimum wage \$2.50 an hour.

A number of persons present in these discussion from the community urged Mr. Ilchert to consider the effect of having employers or others made suspicious of anyone "different" or "foreign" and the difficulties that could arise. He was asked to re-order the priorities of the INS from law enforcement and deportation and detection to services, such as speedy processing of aliens, students, visitors, naturalization petitioners, etc.

The Committee's concerns did not abate as, during the rest of the year, the so-called illegal alien "problem" continued to get wide publicity through the statements of columnists and INS officials, notably the head of the Commission in Washington, former Marine Corps General Leonard Chapman.

Multi-Lingual Citizens Task Force Endorsement

Endorsement, by letter from the Committee, of fourteen recommendations made to the Board of Supervisors regarding implementation of the Voting Rights Act by the Multi-Lingual Citizens Task Force was amended by the addition of three additional suggestions:

1. That there be thorough orientation of election judges and inspectors for individual precincts before they were sent to polling places on the vital need of assistance to non or limited-English-speaking voters.

2. That multi-lingual (Spanish, Chinese and Tagalog, in addition to English) instruction signs be prominently posted giving complete details including a complaint telephone number.

3. That the Registrar's Office consider notifying centers for the physically-disabled so that more such voters could be recruited.

Accessibility for the Physically-Handicapped

The Committee, whose active member, Susan Peters, herself in a wheelchair because of a spinal injury while sky-diving, was liaison to and for the concerns of the physically-handicapped, wrote

to the Department of Public Works for a status report on progress in a ramp construction program for San Francisco intersections. The Committee supported national public information and advocacy on behalf of compliance with federal guidelines for public accessibility as a component of public transportation, public buildings and streets.

Medical Care at General Hospital for Aliens

Responding to the presentation of an ad hoc coalition (Coalition to Keep a Free Hospital in San Francisco) of citizens protesting new hospital eligibility procedures adversely affecting aliens or non English-speaking from applying for and receiving medical attention, the Committee wrote to the Director of San Francisco General expressing its concern and asking for a status report and for clarification of the changes.

The Director never responded directly to the Committee, but after a few weeks representatives of the coalition reported that the eligibility procedures (which, in essence, would have most affected tourist or visitor visa-holders and would have required administrative approval for every visit) had been rescinded.

Medical Rights for Women Coalition Support

Substantial opposition to new regulations proposed by the State Department of Health regarding sterilization of women and abortion was focused on the work of the Coalition for Medical Rights for Women. This group appeared before the Committee, and, after discussion, a letter was written to the State Director of the Health & Welfare Agency, asking that public hearings on the proposed regulations be held as soon as possible, and on Saturdays so working people could attend. It stressed the need (this was a major Committee concern) for interpretation and documents in all languages for women being considered for sterilization and abortion and for information consent procedures that guarantee that patients understand the long-range consequences of these medical decisions.

Executive Order Barring Aliens from Federal Jobs Opposed

Five actions were taken by the HRC on recommendation of the Committee, after a detailed examination of the action of President Ford, who signed an Executive Order barring aliens from government employment.

This came three months after the U.S. Supreme Court had struck down a Civil Service Commission regulation barring resident aliens from civil service jobs.

The HRC's formal action included a letter to the President asking that he rescind Executive Order 11935, on the basis that the Congress should define who permanent resident aliens are and the public should have input; support for a Board of Supervisors resolution calling for the rescinding action; and letters to California legislators asking their involvement. The HRC stressed that the Ford action would deny to the federal service the talents and energies of thousands of highly-qualified persons who do not happen to be full citizens.

The Executive Order was withdrawn.

Herb Caen Items Regarding Samoans and Mexicans Deplored

A furor developed in the community, and not only with the Samoans and Mexicans who felt immediately insulted, over two items in two separate Herb Caen columns in the San Francisco Chronicle.

The first item, in September, was deemed by many persons as insulting to Samoans. The HRC was contacted by the Office of Samoan Affairs, Incorporated, of Sacramento asking for HRC support in obtaining redress. Members of the Samoan community, including Coke Anoa'i, and Stanley Lim, both of the HRC staff, met with Mr. Caen and the Chronicle City Editor, Ralph Craib. A number of demands were made by the Samoan community and Mr. Caen apologized in person to them.

Subsequently, on September 23rd, Mr. Caen ran a full column on the subject of racial ethnic bigotry, and included a full paragraph of apology directed to the Samoan community.

The Social Programs Committee and the HRC Chairperson drafted a formal letter expressing strong HRC reaction to the offending item, citing its agreement with Mr. Caen's published apology, and stressing that far more than just Samoans had been concerned over the tenor of the disputed item.

But the matter did not end there. On November 10th, an item appeared in another Caen column which was deemed offensive by the Latino community, particularly those who identify with Mexican ancestry.

Though Mr. Caen printed an apology, "For those who were offended", the HRC again was asked to take action through a letter to it from Image de California. A number of telephone calls of protest

were received by the HRC, and its staff heard indignation at community meetings in the Mission District.

The HRC's official letter then went to the late Charles de Young Theriot, then the Editor and Publisher of the San Francisco Chronicle. It asked that the Chronicle make an editorial page statement that the paper cannot condone the kind of slurs Mr. Caen made, and it said the HRC concurred with Latino groups in asking for Mr. Caen's resignation. A copy was sent to the Mayor and to Mr. Caen.

Mr. Caen sent a personal letter a few days after this HRC letter was received claiming that "more than half the mail I received from Mexican Americans....complained not about the joke but about my apology."

Mr. Theriot responded that the Chronicle subscribes to the objectives of the ordinance which established the HRC, but said that he felt that Mr. Caen was expressing his own sense of humor.

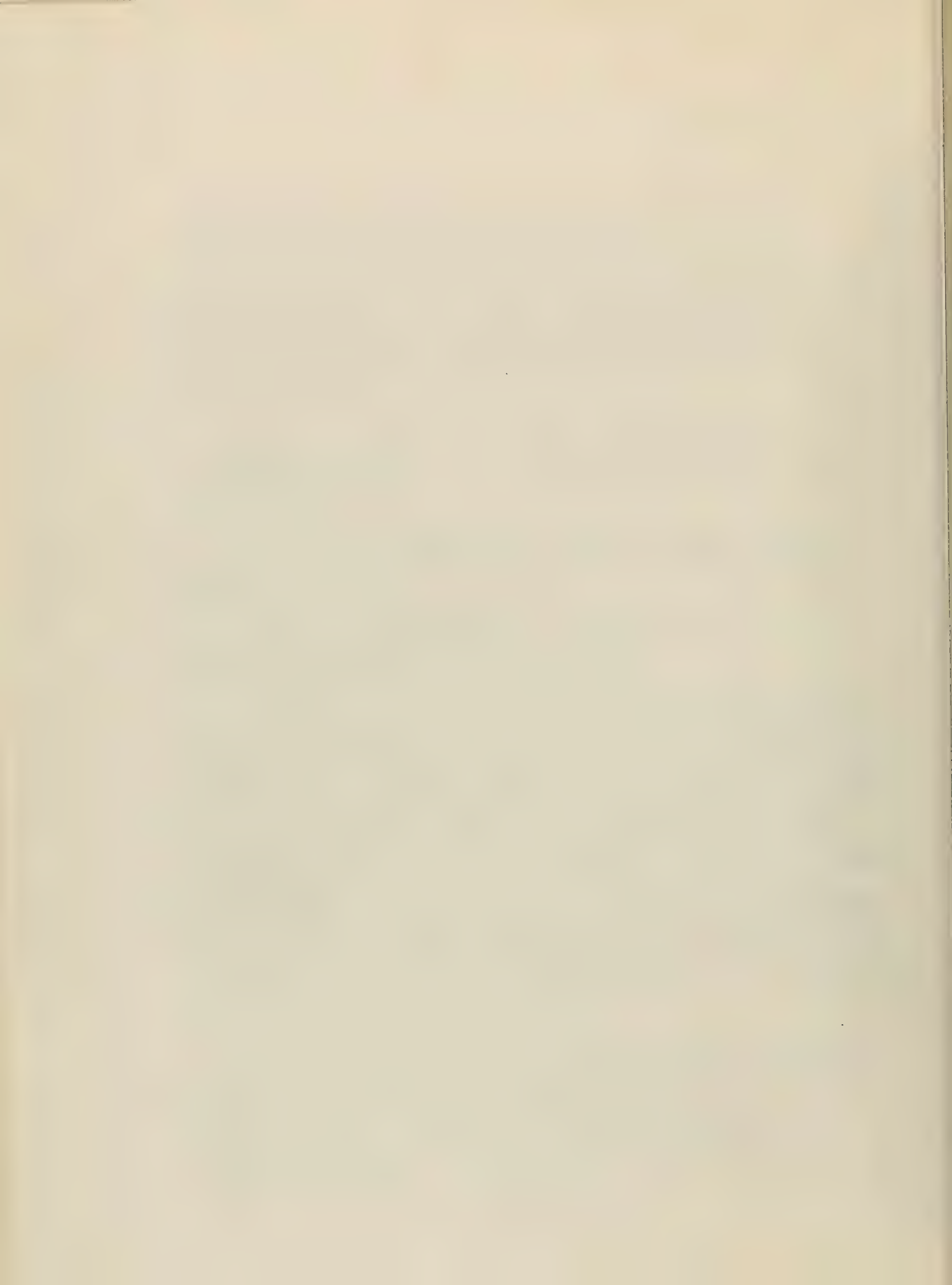
And there the matter rested.

Activity For and With Physically Handicapped

During 1976, Carole Ellison, the HRC's CETA worker in charge of handling activities under the Nondiscrimination Ordinance "disabled" category, dealt not only with complaints, referrals and information for handicapped persons, but also: aided the handicapped in their conduct of a voter-registration drive that registered more than 300 handicapped (formerly called "disabled") residents; scheduled the public hearings that defined "disability" for the purpose of amending Section 12B (the Nondiscrimination Ordinance) of the San Francisco Administrative Code to prohibit discrimination against the handicapped in employment; served as a member of the Public Utilities Commission's Sub-Committee on Accessibility which advises the PUC on issues related to the accessibility of the Municipal Railway System for the elderly and handicapped; attended meetings of the Mayor's Metro Accessibility Study; and attended two conferences (the California Conference on Handicapped Individuals and a Conference on Developmentally Disabled Minorities).

Ms. Ellison also maintained contact with various community groups and public agencies that are involved with the disabled in such issues: discrimination in public housing, resident halls and rental property; accessibility to public buildings; the curb-cut ramping program for City sidewalks; architectural barriers; the inaccessibility of the Muni Metro System; the Special Education Program in the San Francisco Unified School District; and the inaccessibility of voting places and machines.

Y O U T H A N D E D U C A T I O N



Special Meeting with Board of Education Members

The HRC's role as liaison to the Board of Education was well demonstrated as 1976 started by a meeting held with four Board members whose votes at the end of 1975 opposing certain administrative nominees by the Superintendent had caused serious concerns in the community.

The HRC was responding in part to allegations of racial overtones that had appeared publicly after a controversial vote at the Board and had been brought to it, but its concern was also "...that political patronage has no place in the selection of those who administer our schools." Two regular HRC meetings discussed these concerns before the sending of a letter explaining them, and requesting discussion face-to-face with the four Board members.

It was pointed out that the HRC's authority to inquire into the operation of another City department was under its enabling ordinance, Chapter 12A, providing it can do so either through a public hearing or at the request of the Mayor.

The Youth & Education Committee chairperson, summarizing these meetings, stated emphatically that racial overtones (as a factor in these negative votes on the appointees, two of whom were Black and one of whom was Chinese) were not a factor in the issue. The issue, rather, seemed to be largely a matter of conflict with the Superintendent over policy and the structure of authority.

The HRC moved formally to state that after its meetings with the four Board members it found no evidence that there was any aspect of racial overtones in the rejection of the four appointee/nominees.

The Committee felt, in part, that the lack of a policy on the part of the Board when faced with administrative recommendations from the Superintendent had been a factor in what became a problem. The HRC then, after long and serious discussion, wrote to the Board of Education urging it to exercise "leadership in the clarification of a process which will facilitate District appointments in the future."

HRC Comments on Superintendent's Redesign Plan

The Superintendent's proposal, called formally "An Educational Redesign for the San Francisco Unified School District", listed eleven priorities, and the HRC's action on adopting them was solicited. They included concerns about reading, bilingual/bicultural instruction, affirmative action in hiring, multicultural awareness,

suspensions, counseling, occupational preparation, and increased minority representation in the Mentally Gifted Minors program.

Meetings were held with members of the Superintendent's staff and a careful study was made of this proposal. The Committee adopted a list of critical comments (18 in number) relating to specific points under the major ten recommendations of the proposal.

The HRC adopted the Committee's Priorities and Critical Comments and forwarded them to Robert Alioto, the Superintendent. The HRC forwarded also a re-statement of the educational priorities it has made in the past, pointing out that its particular concern continued to be "...that no ethnic or racial group will constitute a majority... of a school enrollment."

The Critical Comments paper was a critique only on specific points of the overall Education Redesign proposal, not an endorsement of the proposal as a whole, nor a comment on other points it contained.

At the same time as the above action was taken, the HRC forwarded to the School District a statement calling for active recruitment and hiring of ethnically and culturally different and linguistically-fluent certificated and classified staff necessary to meet the affirmative action goals specified in the Superintendent's Educational Redesign.

It also urged that the District hire, as permanent employees, minority group personnel currently employed on a limited-contract basis.

Annual Survey of Bilingual Education

The HRC has reported on the progress of this language-assistance program annually from the time it aroused the community and San Francisco Unified School District interest on the issue of children it found who were limited or non-English-speaking and who sat in classrooms unable to understand the teacher. The famous Lau v. Nichols case brought in San Francisco was ultimately settled in the U. S. Supreme Court whose decision on January 21, 1974 mandated that English language assistance be provided for nondominant English-speaking students in San Francisco. The HRC's comprehensive resolution on March 24, 1975 in response to Lau v. Nichols, urged the Board of

Education "...to adopt a bilingual/bicultural program for non and limited-English-speaking students and that such a program address itself, in major part, to the development of necessary English language and other skills...so that...the student would enter the regular...curriculum." The District Master Plan was adopted by the Board in March of 1975.

The Master Plan called for evaluation and improvement of all methods of bilingual instruction. The HRC recommendations came both from its own resolution position regarding bilingual/bicultural and the Board's policy.

The HRC's survey is narrative and statistical, and comparative figures for the previous school year are made. In early 1976, figures for the 1974-1975 school year were being compared to 1973-1974. Thus in 1974-1975, 7,464 students were identified as non and limited-English-speaking, compared to 6,512 in the previous period, an increase of 15%. A total of 1,937 so identified, however, were not in language programs, and HRC staff found that it was due basically to lack of sufficient classes and to students entering the system in mid-year for whom there were insufficient vacancies.

The ethnic classifications of those identified as in need (of language assistance) were: Chinese (36.4%), Spanish (26.3%), Filipino (5.6%), Korean (3.2%), Japanese (1.2%), Other White (7.6%), Other Non-White (3.2%), and Samoan (2.2%). The percentage figures represent the proportion of the students in the Bilingual Bicultural Education (BBE) and the English-as-a-Second-Language (ESL) programs.

From the 968 enrollment in 1970-1971 in elementary school in BBE/ESL programs, the figure had risen to 4,635 by 1974-1975. At the junior high level these comparative figures were 966 in 1970-1971 to 1,095 in 1974-1975; in senior highs, 373 to 905.

Teachers in this program rose from the 169 in 1973-1974 to 224 BBE/ESL instructors in 1974-1975. The budget between the years rose from \$2,788,379 to \$4,419,059. Of the latter, \$1,830,454 came from program legislation of both state and federal governments. The HRC adopted a six-point recommendation list, including development of more objective methods of determining pupils needing assistance in English, development of an "appropriate" language proficiency measurement, and the survey of language needs for those not being served.

School District Family Life Programs and the Treatment of Homosexuals

With the Gay Advisory Committee, the Youth & Education Committee was involved in discussions with School District health education

staff in determining the comprehensiveness and availability of these programs. It was learned that there was only one nine-week required course in the Family Life Education curriculum at the 10th-grade level, with 11th or 12th-grade only if a teacher were particularly interested. There were none at the elementary level. The District said that student interest was the major determinant of the content in many classes. One third of the eight senior high schools as of December, 1975, mentioned homosexuality in the course outline. Two high schools offered no Family Life classes. In School District guidelines adopted in 1976, homosexuality was first mentioned at the 7th-grade level.

There were recommendations that there be in-service training sessions for high school principals, assistant principals, and counselors. See the Gay Advisory Committee section of this Annual Report for the follow-up meeting.

School Suspensions Report for 1974-1975

Pam Lee, a CETA Specialist in Community Liaison, was the principal author of a long and exhaustive report which included supportive statistics on the suspension policies and procedures of the District.

The HRC had, in November of 1974, adopted eight specific recommendations in this area, relating to parent responsibility, evaluation, alternatives to suspension, study of why Black students were suspended more frequently than other groups, in-service training for school staff, and study of the reasons for declines in suspensions and the different rates among schools.

Ms. Lee in the Spring of 1976 reported that for the 1974-1975 school year, none of the recommendations had been followed up or implemented. The District told her it did not have adequate staff to do such studies as the high proportion of Black student suspensions. The District also was reportedly "reluctant" to accept the HRC's recommendation that the ethnic identification of the school staff member doing suspending be part of the record. Site principals appeared to have discretion about ways of informing students and parents about suspension procedures and for exploring alternatives.

The major reasons for suspension at all school levels during 1974-1975 were insubordination/defiance, fighting, physical attacks on students, and profane language. Suspension for truancy/cutting was prevalent only in the junior and senior high schools.

Ms. Lee's study included the record of the School Attendance Review Board, established by state law January 1, 1975 to provide intensive guidance and coordinated community services to meet the special needs of pupils. The Board's objectives focus on the encouragement of "exhaustive utilization" of services and resources for the prevention of juvenile delinquency and diversion of youth from referral to the Juvenile Court. The HRC heard a summary on this Board's work at its regular meeting.

Among Ms. Lee's findings were:

1. Three quarters of the students in the SFUSD are minority: Spanish-surnamed (14.5%), Black (29.8%), Asian (18.8%), Filipino (8.2%), and other Non-Whites (3.4%).
2. Suspensions at the junior high level appeared to be twice that in elementary or high schools. Black suspension rates averaged 66.5% of total suspensions, but they constituted only 29.8% of the total student population.
3. 3,093 students are suspended only once; 615 accounted (in 1974-1975) for 1,510 suspensions.
4. The number of suspensions for the 1974-1975 school year showed an increase of 735 over the preceding year.
5. Some schools continued to have much higher rates of suspensions than others and some had none at all.

The HRC's adoption of this report, which was forwarded to the SFUSD, included a number of endorsed changes in state truancy/cutting suspension rules, including recommending a study of the disproportionate Black suspension rate and of the correlation between poor performance in school and suspensions. The HRC made a number of other specific recommendations pertaining to disseminating basic information to parents and students, and it re-emphasized previously-adopted recommendations which had not yet been implemented by the SFUSD.

HRC Staff Report on School Leavers

The rest of the world calls them drop-outs, but the San Francisco Unified School District says "school leavers". Pam Lee also compiled this exhaustive report covering the 1974-1975 school year. It was discussed in detail at both the Committee and Commission level, and

was adopted with a set of specific recommendations, of which more later.

Ms. Lee stated flatly that "The drop-out rate of students in the District, for all practical purposes, is a hidden statistic." Since cumulative reports were not kept for each graduating class, she found it very difficult to know, in any one class, just how many students dropped out of school.

Using statistics from the District itself, Ms. Lee noted that while it does try to do extensive follow-up on students leaving school or transferring to another district, how successful these follow-ups are is not recorded. Again, the actual number of students who leave school in the junior high or elementary level is not known, since statistics are not kept. Finally, said Ms. Lee, a high correlation between suspensions and the drop-out rate is assumed by the District, perhaps fallaciously.

Indepth HRC Study of Suspensions at Four Junior High Schools

Four more formal recommendations were added by the HRC to the original seven it made based on the Suspensions Report that came out of the findings of Edna Thomas, a Westmont College Urban Program intern. Ms. Thomas, with access to records, conferences, and meetings at four junior high schools, reported that the two junior high schools with lowest suspension rates had younger administration personnel (principals excluded) and more emphasis on early parent involvement. In the low suspension rate schools, she observed that students seemed to like school better and seemed happier. She heard less profanity, and there were fewer verbal confrontations between students or between students and faculty.

In the two junior highs with the highest suspension rates, there was less student calm, more profanity, more verbal confrontations, and, Ms. Thomas stressed, a stricter rules-and-regulations policy by the administration. The latter, however, did not seem to reduce the number of student fights, despite strict suspension rules for doing this.

Ms. Thomas' report included statistics showing enrollment and ethnic breakdown, ethnic breakdown of students suspended, and the racial/ethnic faculty classifications----all over a period of three years, 1973-1975.

Final Full HRC Recommendations on Suspensions

The HRC at the end of 1976 had adopted eleven Recommendations on Suspensions. In full, these were:

1. To request introduction in the State Legislature of legislation to revise the State Education Code as follows:
 - a. clarify and/or define insubordination/defiance, and
 - b. encourage alternatives prior to and after a suspension.
2. To strongly recommend that the School District authorize the following studies:
 - a. reasons for the disproportionately high number of students suspended for insubordination and/or defiance, and
 - b. what is being done for students who regularly cut.
3. To strongly recommend that the School District authorize the continued studies on:
 - a. reasons for the disproportionately high number of Blacks suspended.
 - b. reasons for different suspension rates in different schools, and
 - c. the correlation between poor performance in school, suspension, and eventual drop-outs.
4. To strongly encourage the utilization of the School Attendance Review Board (SARB) for both school attendance and school behavior problems as stated in legislation.
5. To recommend that the Student Placement Annual Report breakdown give the number of students suspended for insubordination/defiance.
6. To recommend that, in the event of the suspension of a student, the Central Office require individual schools to notify both parents and students by mail of procedures involved in suspensions, since they vary from school to school.
7. To recommend increased parent involvement through at least three parent meetings during the school year for all parents in order to discuss suspension problems.
8. To recommend re-emphasis on the following previously-adopted HRC recommendations:
 - (a) the recording procedure in suspensions should be revised to include

- (1) a brief description of what actually took place, and
 - (2) alternatives explored prior to suspension.
 - (b) The Annual Report of Suspensions should include an evaluation of the effectiveness of suspension or its alternative in altering behavior or in reducing the occurrence of disruptive behavior.
9. To strongly recommend that the Central Office (Elementary and Secondary Divisions) prepare and send out to parents and students, in the beginning of each school year, multilingual information concerning:
 - (a) acts for which students could be suspended,
 - (b) procedures for suspensions,
 - (c) rights and responsibilities of parents, and
 - (d) rights and responsibilities of students.
 10. To recommend that multilingual staff be made available at school sites to insure that all students and parents have equal access to the benefits of counseling services, conferences with staff, alternative education or other programs. Multilingual information regarding the availability of services shall be at each school site.
 11. To recommend in-service training regarding cultural differences in behavior and possible alternate approaches in lieu of suspensions.

Proposed HRC Task Force on Suspensions

One of the recommendations coming out of the Pam Lee report on suspensions was that there be established an HRC Task Force on Suspensions. The Youth and Education Committee proposed that there be seven specific objectives for this Task Force:

1. Investigation of reasons for disruptive behavior.
2. Proposal of alternatives to suspensions.
3. Evaluation of suspensions in terms of effectiveness.
4. Advocacy of grievance procedures at the school-site level.
5. Reactivation of a City-wide Youth Council.
6. Identification of certificated staff especially effective in working with students.

7. Wide dissemination of recommendations of the Task Force.

The Committee also proposed that the Task Force be broadly-based, reflecting many of the same groups represented on the Committee, and that the Youth & Education staff coordinate setting up this Task Force.

These recommendations, adopted formally by the HRC, were forwarded to the Board of Education with a request that it act "within a reasonable time," to set it up, in order that the HRC might act if the Board did not.

In November of 1976, HRC representatives obtained an agreement from the Superintendent of Schools for the District to set up a Task Force on Suspensions to be appointed by District staff.

School District Response to the HRC Suspensions Report

The District's then Associate Superintendent of Instructional Services and the Director of Pupil Services, with their Supervisor of Elementary Counseling, responded in August to the HRC's April Suspensions Report and Recommendations.

Point by point, the District officials went over the recommendations. They said they were seeking alternatives to suspensions and trying to reduce the number of them; that the studies of Black suspension rates, different school suspension rates, and correlation between poor academic performance and suspensions could not be done because of funding and staff shortages; that multilingual information to parents was being carried out, etc. They supported the HRC's suggestions on fuller reporting on suspensions. Opposed, however, was the HRC recommendation that "the recording procedure should also include the ethnic identification of the administrator or teacher initiating the suspension."

There were demands both from members of the HRC and from the president of the Parent-Teachers Association that the HRC stress alternative points of education and training programs that perhaps would prevent behavior leading to suspensions. There were concerns that the District must be convinced to be more flexible in approaching the suspensions issue. One speaker told the HRC, "You must convince them (the District) that you educate all kids and don't eliminate the ones that are difficult to deal with."

The Vice-Chairperson of the HRC was delegated to be the personal representative of the HRC to the District in following up on its recommendations and the formation of the proposed task force.

Statistics showing suspension and drop-out rates were: 2.5% suspensions and 7.9% drop-outs for Spanish-surnamed students; and 12.3% suspensions and 6.3% drop-outs for Black students. Thus while Blacks experienced a disproportionately high suspension rate, their drop-out figure was surpassed by the Spanish-surnamed. It was felt that these figures, along with the other concerns, were significant enough to warrant further study by the HRC. The District's nine categories of "school leavers" included those who reach 18 and are no longer required to attend, for whom exemptions are obtained, who are 16 and take full-time work, enlist in the military, marry, are expelled, fail to graduate by 18, are truant, or leave without transfer.

The District's Division of Research figures which Ms. Lee studied reported that out of cumulative enrollment of 20,850, a total of 1,013 (4.1% of all high school students) left for one of the above reasons, and an additional 1,404 (6.7%) left without a transfer for reasons unknown. The average drop-out rate was 5.8% for males and 3.8% for females. One senior high in the City had drop-out rates as high as 12.7% for the males and 6.9% for females. Five schools were below the District average, and one had a male drop-out rate of only 0.4% and 1.3% for females.

The HRC's recommendations, forwarded to the District with this report, included:

1. District studies on possible correlations between suspensions and school-leaver rates, on reasons for the high incidence of Spanish-surnamed and Blacks.
2. The keeping of cumulative statistics for each graduating class.
3. Expansion of the reporting format for "school leavers-reason unknown" to include students who subsequently enroll in another district.
4. Compilation of statistics on school leavers in the junior high and elementary levels.

Endorsement of Assembly Bill 3947

The HRC endorsed this bill, introduced by State Assemblyman Hart, which enumerated exclusive causes that could lead to suspension

or expulsion of pupils, but the endorsement was not without lively reaction from the Commissioners, four of whom were opposed to endorsement.

The bill as proposed would have "enumerated specific offenses which would be the exclusive causes for suspending or expelling a pupil. Such causes would be limited to offenses relating to damage to, or theft of, school or private property, infliction of physical injury to another person, possession or sale of weapons, possession or sale of drugs, alcoholic beverages, or intoxicants, possession or use of tobacco, commission of obscene or vulgar acts, and intentional defiance of school authorities. It called for pre-suspension conferences for pupils with school officials, informing of the reasons for the disciplinary action, prohibiting academic penalties during a suspension period, providing appeals hearings, etc.

Opposition on the HRC came because of feelings that it is easy to document infringements but more difficult to deal with problems causing infringements. One Commissioner objected to the vague terms in the bill, such as "obscene and vulgar acts." Opposing Commissioners were invited to make suggestions to accompany the HRC endorsement notice.

Assembly Bill 3927 was defeated in the Legislature.

Discussions Regarding District Gifted Programs

The Committee continued its historical interest in programs for gifted students, and heard a thorough discussion of the District's work in this field from the program supervisor. At the elementary level, despite the decline in the District student population, in the 1975-1976 school year there was a greater number (1,132 in 40 "total impact" classes in 30 elementary schools) compared to 870 in 1973-1974, and 980 in 1974-1975. Projected total impact classes in 1976-1977 were fifty. The State reimbursed the District approximately \$1,300 to \$1,400 per pupil for handicapped student training, compared to \$70 per pupil for gifted.

The District official reported to the Committee that research has shown that intelligence tests are biased against large numbers of children. Research conducted during the 1974-1975 school year compared the social and emotional growth, development, and achievement for gifted children enrolled in total impact classes and in regular classes. There was no significant difference in achievement levels.

The HRC endorsed State Senate Bill 1650, for increased state funding, but this measure was not passed.

HRC Report on School Programs for the Gifted

This extensive Status Report, prepared by HRC staff, covered the 1975-1976 academic year. It was compiled with the cooperation of William Cummings, then Supervisor, San Francisco Unified School District Programs for the Gifted, and discussed in detail with him at the Committee level.

The program, funded jointly by the state and the District, serves students with demonstrated "giftedness" or high potentials in grades one through twelve.

The HRC report covered: definition of the mentally-gifted minor in the California State Education Code, funding, certification, court-ordered school desegregation and its reference to gifted children, and the status of gifted programs at the elementary, junior and senior high levels.

Commissioner reactions to this report and its seven-point list of recommendations were varied. There were concerns about testing procedures and whether they take into consideration cultural and social factors, and there were questions about the validity of I.Q. tests, about test contents and their validity, and about the procedures for administering them, etc.

Adoption of the seven recommendations was secured after the inclusion of this clause as a preamble: "Recognizing the limitation of the State's guidelines in the use of intelligence tests to admit children to gifted programs". The recommendations included: urging a policy to allocate local funds to cover costs for those not legally identified as gifted; recruitment of racially and ethnically-diverse children; not excluding limited-English-speaking pupils from the program; explaining to parents in their primary language when limited English-speaking children are considered for the program; program options; and reactivation of a City-wide advisory committee for the program.

HRC Alcoholism Prevention's Peer Counseling Project

The Alcoholism Prevention Among Adolescents Through Peer Counseling Project began November 13, 1974, funded for \$6,800 through the Bureau of Alcoholism of the City's Department of Public Health, under provisions of State Senate Bill 204. Funding for the 1975-1976 fiscal

year was \$7,400. This provided for a half-time Specialist I at the HRC, and four high school students working as health aides 10 hours per week. One health aide position was provided by the School District. The health aides worked within three senior high schools and the San Francisco State University, establishing working relationships with other alcoholism youth prevention programs. An Educational Task Force was set up to develop a means of testing the effectiveness of these kinds of programs. The HRC staff contacted 4,460 young people during the 1975-1976 fiscal year. It created a youth newsletter, distributed to all secondary schools and youth-serving organizations; it made countless one-to-one and small-group contacts; made classroom presentations and community organization appearances; participated in a health fair; made School District radio station presentations; and distributed brochures, pamphlets, and other informational material. The young people were encouraged to be open, informed, candid, and helpful. They approached the subject totally without hesitancy, and worked to establish confidence with their peers.

The HRC developed a 1976 summer program from the Mayor's Summer Youth Program. The 1976-1977 fiscal year funding, a \$4,000 increase to \$11,645 from the Bureau of Alcoholism, was greatly encouraging to staff. In 1976, Marilyn Morris, after four years as the project supervisor, left for another job, and was succeeded by Carlton Crump and Jamie Williams.

Evaluation of Rights and Responsibilities Manual

Michael Milani, San Francisco State University State student, intern at the HRC, conducted this study in the Spring of 1976. It was part of the HRC's long-standing concern about the manual for public school students dating back to the original preparation and adoption of it in 1971.

Administration interviews and questionnaires (anonymous) completed by students and teachers were the major methods by which the survey was done by Mr. Milani.

He found, among other things, that five of the 29 schools covered did not have a site appeals board. At only four of the schools responding, he said, could students really be said to be knowledgeable of the Students Rights and Responsibilities Manual. The rest of the schools fell into two categories: those where students knew nothing or nearly nothing of the manual and of their rights, and those where only a part of the students were knowledgeable. There was no School District-wide program for educating students as to their rights. A key factor was the provision for site appeals board at individual

Mr. Milani found that many schools had developed other avenues for resolving grievances, but that there was a widespread lack of student knowledge about the appeals procedure.

Teachers contacted in the course of the survey expressed concern over the evaluation's lack of emphasis on students' responsibilities.

Milani found some alarming attitudes on teachers' responses:

- "We teachers know that the students' rights are, and we will take care of them. Students don't need to know about them."
- "Now we can concentrate on education and don't have to worry about students' rights."
- "Only 'bad' students care about their rights."

Mr. Milani found surprising the amount of teacher objection to students' rights, especially the right to respect. He said teachers throughout the City stated, both directly and indirectly, that they feel a student isn't automatically due respect as a right or as a matter of principle, but that each one must earn that respect.

A one-line question on the condition of physical facilities drew a great deal of attention and response. Teachers and students alike complained of unsafe buildings, unsanitary bathrooms, broken windows, and other damage that took long periods of time to be repaired.

Milani's recommendations included:

- Development of a curriculum guide for teachers instructing students on their rights.
- Assurance that sufficient copies of the Students Rights and Responsibilities Manual are distributed to each school, for each student, early in the Fall of each school year.
- More use of school newspapers as a means of informing students about rights and responsibilities.
- More stress on schools developing and posting copies of their appeals procedures, with copies distributed along with the manual.
- Facilitation of future evaluations by making an evaluator's position and right to access more clear.
- Adoption of procedures requiring that when a student is in the process of being suspended, he must be informed of the appeals procedure so he/she can either file an appeal or temporarily waive

the right to appeal (This recommendation was made in a previous evaluation, but repeated here.)

The HRC also recommended that the Student Manual be translated into Spanish and Chinese for non-English-speaking parents.

Contingency Planning for Emergencies/Support of Dolson Resolution

During an April, 1976 City employees' strike, school buses did not run for several days and attendance suffered. The HRC met first with the District's Supervisor of Field Act Relocation, Transportation, and Reproduction Services, to discuss coordination problems. Following up on this subject, the HRC formally supported an Emergency School Attendance Plan Resolution proposed by Lee S. Dolson, then a member of the Board of Education, which called on the Superintendent to develop an Emergency School Attendance Plan to "maximize" attendance during a crisis; such plan, with wide input, to be disseminated before the opening of the next school year.

Outcome of City College Curriculum Recommendations

The HRC's staff had made a number of recommendations on a complaint filed in April of 1975 by City College Filipino students regarding English-as-a-Second-Language instruction.

In May of 1976, the Curriculum Committee of City College adopted a number of changed requirements in ESL for foreign-born students for graduation.

The HRC basically had opposed regulations which treated students differently on the basis of place of birth.

Among the changes approved by the Curriculum Committee, to become effective as of the Fall semester of the 1976-1977 academic year, were: reduction of the number of ESL course units required of non-English-speaking students; providing a greater variety of courses meeting ESL requirements; and removal of the prohibition against withdrawing from a required ESL course without permission.

Discussion on District Budget and Early Adoption

Members of the district staff met for detailed discussion with the Youth & Education Committee in the Fall of 1976, responding to four principal questions: how to obtain information on the funding levels of given programs; reviving the Budget Advisory Committee to the Superintendent; replacing the Pelton Junior High

School middle school program at another site; and funding for transporting handicapped pupils.

The HRC also formally asked the Budget and Finance Committee of the Board of Education to hold school-community hearings on changing the dates of preliminary and final budget adoption in sufficient time to make changes for the 1977-1978 year. Subsequently, the Board adopted an early budget adoption date.

Responses to HRC's 1972 Report on Juvenile Court

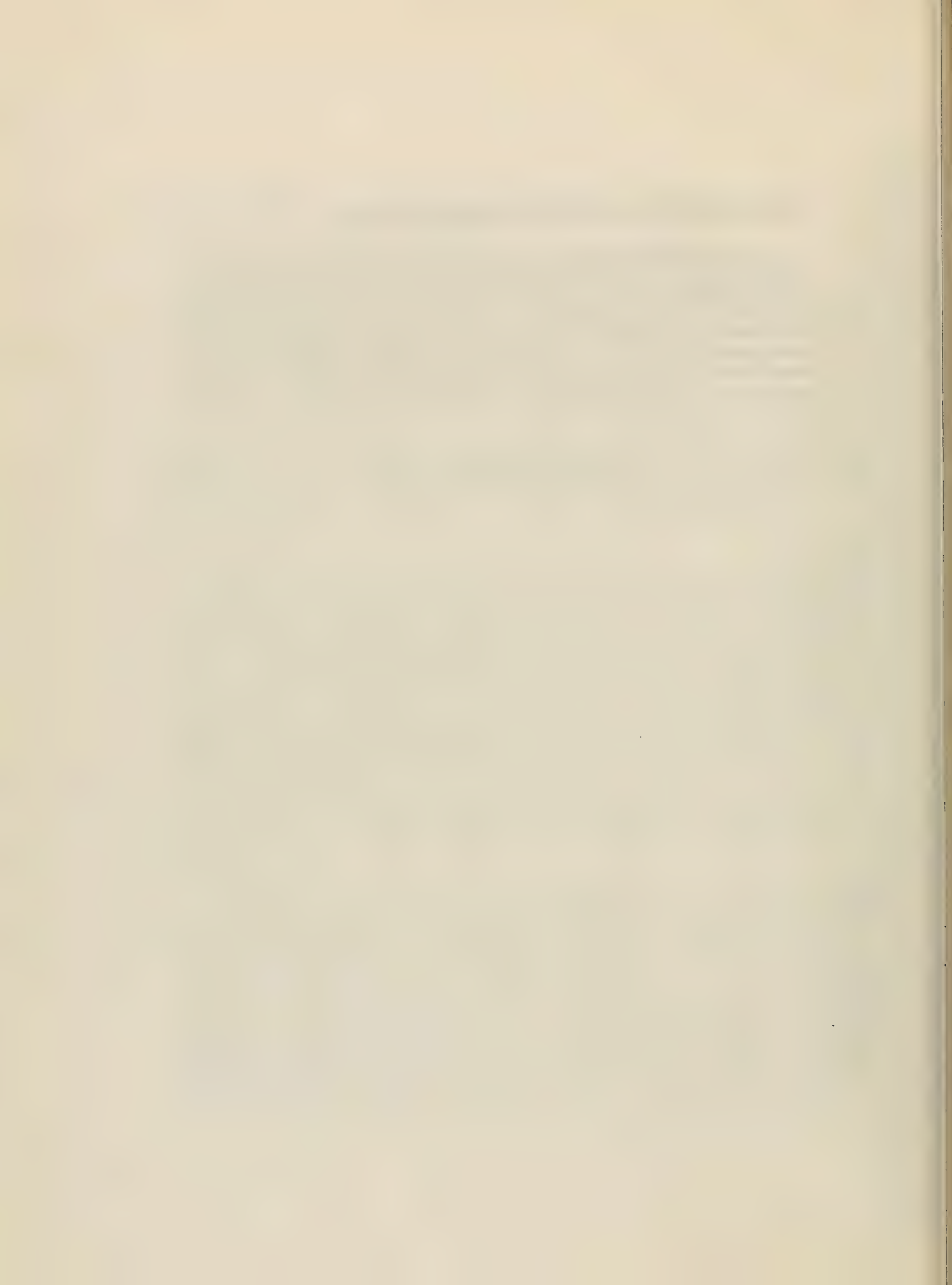
Joseph Botka, Chief Probation Officer of the Juvenile Court, appeared before the Youth & Education Committee to discuss what had been done in the interim since the HRC's April, 1972 recommendations were adopted and forwarded. The recommendations were under two general headings: Placement Policy and Employment Affirmative Action.

The HRC's 1976 revival of interest followed the issuance of a Grand Jury report on the Juvenile Court stating that there was a preponderance of minority children assigned by the Court to the facilities at two "ranches" (as opposed to private placement institutions). Mr. Botka responded to the HRC's re-stated recommendations one by one: to proposing more equitable distribution of juveniles along racial and ethnic lines between the two ranch facilities and the private out-of-home placement institutions; to utilizing placement institutions in the City as a first priority; to the use of community-based alternative programs; and to the composition of the Screening Committee to include members of the minority community. On the latter recommendation, Mr. Botka said that the Court has not accepted it and has "no intention of expanding the Committee to include community persons because of the confidential nature" of its work.

In the area of employment affirmative action, two of the HRC recommendations relating to the Juvenile Court and the HRC implementing a joint affirmative action program within private placement institutions and for hiring for the Court, had not been acted on. There had been, Mr. Botka reported, an improvement in the recruitment of minority staff for Juvenile Court. There was indignant Commissioner reaction to the resistance to minority participation in the Screening Committee at both the Committee and regular meeting level. In late 1976 the HRC, through the work of Emmett Rosebrough, an HRC Community Liaison worker, and student intern, a study of placement through the Court was begun.

District Special Education Advisory Committee

In response to community feelings, the HRC wrote to the chairperson of the District's Special Education Advisory Committee, urging that it expand its membership in order to assure that 50% of those serving were parents of children currently in the District's special education classes, to increase minority group participation, and to include disabled persons. The Committee, created under Assembly Bill 440, had been mandated to have the majority of its members parents by 1978.



C O M P L A I N T S C A S E L O A D

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When it says "human rights" on the door, or in the paper, or in the telephone book, where else but the Human Rights Commission would people first go when they have a problem? This is not to say the many service agencies, both private and public, don't get a heavy workload of complaint cases, but the Human Rights Commission has provided this kind of community service since 1964, and its most recent compilation, for the 1976 calendar year, shows it continuing to do so.

Over a five-year period, 1971 through 1975, the average number of cases handled by the HRC's small professional staff (augmented by Comprehensive Employment Training Act - (CETA) staff in recent years) has been 872. The 844 cases in 1976, though very slightly below those recorded (853) in 1975, were handled by nine staff members, four fewer than the thirteen in that latter year. Fewer staff maintained the same workload, despite staff losses.

Thus the old dilemma is compounded. The HRC, though not set up to be a complaint caseload agency, with new Nondiscrimination Ordinance categories of sexual orientation and disability added without more staff, and with fewer of the existing staff available to handle the work, continues to process some 850 cases a year.

The general categories of complaints as they are broken down by the HRC----employment, housing, education/community liaison, and "other" ---have seen a seesaw between employment and housing as the leader in numbers. In 1976, they were at a tie, virtually. Housing was up 23% over 1975, 224 compared to 182; employment was down nearly 26% from 320 in 1975 to 238, handled exclusively by the Employment Representatives.

In 1976 a new dimension to the complaint caseload was added, however, that of Gay. For the first time a City agency had a Gay Representative (CETA) as staff; it had a Gay Advisory Committee chaired by a Commissioner; and it had Gay representatives on each of its Standing Committees. And the year-end tally shows 73 documented Gay complaint cases.

Despite the departure, by retirement, from the staff of the HRC's housing expert Edith Witt, a CETA housing worker reported 224 complaints which he took alone, save for the work in the last few weeks of the year by Don Hesse, Ms. Witt's replacement.

The housing discrimination caseload bears a closer look. It illustrates how the HRC has used its complaint analysis to pinpoint what areas of tension and concern are prominent in any particular year. Thus, the housing discrimination charges brought to the HRC in 1976 were overwhelmingly because of discrimination against families with children in rentals. Unfortunately, without enforcement powers, the HRC can only counsel in these cases and refer them to the District Attorney's Office for action. Other major housing discrimination complaints were because of race, national origin (the landlords are not exclusively white in these cases), alleged sex or marital status discrimination, and religion.

Other major housing complaints involved evictions, repair problems, rent increase (the average reported rent increases was \$52 per month) about which, in San Francisco, there is virtually nothing that can be done on behalf of tenants; tenants suing for security deposits, etc.

In housing, employment, and education, much of the complaint workload stems from the inability of people to communicate with, cope with, understand, wait out, or otherwise deal with The System, be it governmental offices, community agencies, employers, landlords, neighbors, family, friends, businesses, schools, the military service, or whatever.

Referrals have to be made, of course. No matter how insistent the complainant may be, no matter how evident the injustice, if the HRC does not have the legal authority, the professional expertise, or the staff availability to act, it must produce a referral where, hopefully, some action can be taken. Virtually all complainants want the feeling that they've been heard, that someone is paying attention, that they are important and their concerns concern others. Indeed, some staff people call a major part of their complaint work: listening.

It must be pointed again, that in 1976, as in all other years, the casework is done in addition to the regular assigned duties of the professional staff, in employment affirmative action, contract review, private and public sector employer counsel and contact, community agency liaison, standing committee research and staffing, drafting of background and policy paper recommendations, etc.

This report, like all the others, cannot hope to chronicle the literally hundreds of inquiries for information that come into the office by telephone, mail, or personal visit during the year.

Students, job-seekers, disturbed people or eccentrics, newcomers to the City, and others all need attention. One senior affirmative action officer on the staff estimated that he provided information either in person, or the telephone, or by mailing material to some 700 different sources.

One community leader wrote, back in 1972, that the HRC is the "heart and conscience of the community." Perhaps it qualifies for this by its complaint-handling function each year.

The rough breakdown of the complaints caseload for 1976:

Employment	238
Housing	224
Education/Community Liaison	149
Gay	73
Other (including the new disability category)	<u>160</u>
	844

RESIGNATION OF EARL RAAB

Earl Raab, who was actively involved in helping establish the HRC and served as a member from 1964, resigned in January of 1976. In his letter to incoming-Mayor Moscone, Mr. Raab urged that the HRC continue as a "top priority" its work in affirmative action in employment for racial and ethnic minorities. He noted also that the HRC has had to differ with Mayors on a few occasions and that this was a healthy thing, giving some minority groups the feeling that they had "an official place to go."

In a final presentation to the HRC at his last meeting, Mr. Raab addressed the incoming members, covering, among other points:

1. The creation of the HRC to help make possible affirmative social and economic progress for minorities.
2. Early and major emphasis on affirmative action in employment with contract compliance built in.
3. Emphasis on action, not resolutions.
4. Housing activity centered on trying to establish the principle of maintaining the City's housing stock in the face of demolition without replacement.
5. Quality-equality education goals.
6. Concern over police-community relations.
7. Cooperation and complimentary work with other civil rights organizations.
8. Independence of the HRC from the Mayor's Office.
9. Historical frustration of a small staff with heavy and increasing legal responsibilities and lack of adequate funding.
10. Impact on employment opportunities of minorities (air-line industry, hotels, insurance industry, etc.).

Despite the changes in the national economy from the time of its founding, said Mr. Raab, the HRC still gives "rising expectations" with the new kinds of problems it faces.

*** NOTICE ***

The Human Rights Commission's Annual Report for 1976 publication date of the Fall of 1977 was necessitated by budgetary exigencies or, in simpler terms, because we did not have the money to put it out until after the beginning of the new fiscal year on July 1, 1977.



H.R.C.
1977

THIRTEENTH ANNUAL REPORT



HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

FOUNDED JULY, 1964

1095 Market Street - Suite 501
San Francisco, California 94103

January 1977

to

January 1978

The Human Rights Commission's total budget of \$332,101 for 1977 (July 1, 1976 to June 30, 1977) represented .003 of 1% of the total City Budget of \$831,232,340 (exclusive of the San Francisco Unified School District).

Section 12A.2 of the San Francisco Administrative Code (as amended extending provisions thereof to include sex, sexual orientation and disability).

Declaration of Policy. It is hereby declared that the policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies; that an instrumentality should be established to give effect to such rights, to eliminate prejudice and discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, physical disability, or place of birth, to inform the inhabitants of the City and County of developments in human relations, to provide expert advice and assistance to the officers, agencies, boards, departments and employees of the City and County in undertaking ameliorative practices to keep peace and good and to officially encourage private persons and groups to promote and provide equal opportunity for and good will toward all people.

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HUMAN RIGHTS COMMISSION
PERSONNEL 1977

COMMISSIONERS

Caryl Mezey, Chairperson
David K. Yamakawa, Jr., Vice-Chairperson

(Yamakawa succeeded to the Chair in the
Fall of 1977, when Mezey resigned to run
for the Board of Supervisors. Enola
Maxwell was elected Vice-Chairperson
for the remainder of the calendar year 1977.)

Vernon Alley
Carlota Texidor del Portillo
Rabbi Alvin I. Fine
Sister Mary Bernadette Giles
Antonio Grafilo
Sylvester Herring

Phyllis Lyon
Enola Maxwell
John Morrissey
Dan Silva
Lillian Sing (resigned 9/2/77;
succeeded by the Rev. W. R. Drummer)
William Wesley (resigned 4/15/77;
succeeded by Donna Solomon)
Nadim H. Zarour

STAFF

City-funded Civil Service Professional and Clerical

Frank Anderson, Employment Representative
Pauline Anderson, Senior Clerk-Typist
Jack Casford, Human Relations Representative
Donald Hesse, Housing Representative
Stanley Lim, Contract Compliance Representative
Grace Markham, Clerk-Typist
Joseph Meza, Human Relations Representative
Grant S. Mickins III, Director
Wayne Redus, Employment Coordinator
Gail Roberts, Community Organization Coordinator
David Treanor, Accountant/Office Manager
Blanca Torres, Clerk-Typist

CETA-funded staff (Comprehensive Employment Training Act)

Clerk-Typists

Karen Hill
Marion How
Elizabeth Muao
Sylvia Ortiz
Denise Washington

Community Liaison Workers (in Black, Latino, Gay, Filipino,
Disabled, Samoan, and Asian communities)

Jo Daly
Luis Escobar
Jose Robles
Emmett Rosebrough
Jeffrey Wong

Affirmative Action Officers

Alberta Grant
Jesse Martinez
Wastewater Team: Vicki Rathbone
Essie Thomas
Ed Vurek

Tala Suafai

Housing Specialist

David Prowler

Payroll Clerk

Chung Lee

Reproduction Clerk

Ron Rush

S T A N D I N G C O M M I T T E E S

A D M I N I S T R A T I V E

ADMINISTRATIVE

(Founded in 1976 as part of the regular HRC Standing Committee structure, this Committee is made up of the HRC Chairperson, Vice-Chairperson, and the Commissioners who chair the Standing Committees, and it meets to consider policy issues on a regular basis.)

During 1977, its work included the following: (The Title 20 and Vocational Rehabilitation Act issues, while more properly issues that would have been handled by the Social Programs Committee, were dealt with by the Administrative Committee for reasons of expediency):

Title 20 (Social Security Act) Funding Issue

Community agencies dealing with what are called "nonmandatory" programs, such as those for the mentally and developmentally-disabled, became greatly agitated during 1977 over plans by the state government to cease funding these types of programs. Title 20 of the Social Security Act provided a great deal more control by federal and state authorities over nonmandatory programs. It was unlike Title 4A, which allowed open-ended, four-to-one money to come into communities with a great deal of flexibility, i.e., so they could be designated locally for the nonmandatory programs.

The issue was brought to the HRC, since there were several programs in the City for the mentally and developmentally-disabled threatened by the possible cutoff of funds (through the City Department of Social Services).

The HRC voted to write Governor Edmund G. Brown, Jr., urging his support for a State Senate measure to transfer monies from the General Fund to support nonmandated programs for mentally and developmentally-handicapped persons. The Governor did sign a supplementary fund allocation which continued these San Francisco programs, but no permanent legislation was passed.

Federal Vocational Rehabilitation Act/Section 504 Issue

Nation-wide attention was focused early in 1977 on dramatic sit-ins by physically-handicapped persons demanding that U.S. Secretary of Health, Education, and Welfare Joseph Califano immediately sign Section 504, which prohibits discrimination against physically-handicapped persons under any program receiving federal financial assistance.

In San Francisco the circle of persons in wheelchairs and on crutches before the old Federal Building was in eye-view of the HRC offices themselves. A member of the HRC, Commissioner Enola Maxwell, personally

carried a picket sign supporting the demonstration, which manifested itself in a protracted occupation, day and night, of HEW offices. Staff was in touch with many community representatives on the issue, including the San Francisco Council of Churches. The Administrative Committee in addition obtained specific information on the regulations in question and their contents, and recommended HRC action, which it voted to take, urging Secretary Califano to immediately sign these regulations. Califano did not immediately do so, but within a few weeks, they were signed and Section 504 became applicable in April of 1977.

Revised Conflict of Interest Code for the HRC

The HRC's first Conflict of Interest Code had been adopted in June of 1976. That Code was studied and revised during 1977 by the Administrative Committee. One major change was a reduction in the list of those persons required to file disclosure statements. Only the members of the HRC and the Director are required to do so. All other members of the HRC staff were eliminated. Other changes were made in sections on Disclosure Statement, Place and Time of Filing, the Contents of Disclosure Statements, Disqualification, and Manner of Disqualification. Copies of the Conflict of Interest Code are kept in the HRC offices. After opening the regular HRC meeting to public discussion on the proposed revisions, the HRC adopted the Revised Conflict of Interest Code as recommended.

Supplemental Policy Statement on the HRC's Role in Recruitment, Referral, and Placement.

In June of 1976 (at the request of a number of community agencies and after weeks of debate) the HRC had adopted a policy phasing out its recruitment, referral, and placement work, and increasing its emphasis on affirmative action and contract compliance. In early 1977, Commissioner Sing acted to rewrite this phasing-out policy, with emphasis (outlined in her memorandum on the subject) on the HRC's using "all its resources to help communities to develop recruitment agencies, especially in neighborhoods that do not have them." After HRC debate, over the course of three meetings, and Administrative Committee deliberation and recommendation, the HRC adopted the Committee's Supplemental Policy Statement on the HRC Role in Recruitment, Referral, and Placement as put forth by the Committee.

The text of this Supplemental Policy read as follows:

The Human Rights Commission reaffirms its policy adopted on June 10, 1976, phasing out recruitment, referral, and placement efforts and increasing the emphasis within Affirmative Action and contract compliance areas. The policy is dictated by the realities of limited staffing, budget, and the need to be more effective within the mandate of Chapters 12A and 12B of the Administrative Code. The HRC recognizes its commitment to serve equally all ethnic groups of San Francisco in order that all may have an opportunity to compete for the few employment advantages that become available. Therefore, the HRC staff will continue to coordinate and monitor the effectiveness of efforts of enlisting community groups to assure that:

1. All districts in the City are served and informed of employment opportunities.
2. All ethnic communities are equally informed and served by one of the community agencies within its district.
3. The Contract Compliance Communication group serves as the forum for information exchange between the HRC and community-based agencies to guarantee the effectiveness of this progress

Policy-Guidelines on Endorsement

The HRC's general policy on endorsements is stated in Chapter 12A, Section 12A.3 of the Administrative Code:

"Scope of Ordinance"

"This Ordinance applies to all discriminatory practices and to resulting intergroup tensions specifically covered by the provisions of this Ordinance that occur within the territorial limits of or within any agency under the jurisdiction of the City and County of San Francisco and to the extent permitted by law, to activities outside this City and County which reasonably affect such practices and tensions within said territorial limits."

In order to effect the foregoing, the Administrative Committee recommended, and the HRC voted to adopt, the following guidelines as criteria in determining its endorsement process.

1. That the requested endorsement be within the scope of the Human Rights Commission Ordinance
2. That the issue be of local significance
3. That the proposed HRC endorsements or resolutions will have relevant impact upon the intended agency or parties.
 - a. What weight or notice is likely to be given by the intended party to HRC endorsements?

If the above criteria are met, the HRC voted, the following procedural steps should be followed:

1. No endorsement unless first considered in an HRC Standing Committee.
2. Committee or Commissioners must have all available facts or information before deciding. All sides must be presented.

3. Adequate time for committee and Commission review.
 - a. The information upon which the endorsement is based must be submitted in adequate time to allow committee Commission review.
 4. A copy of the HRC endorsement policy should accompany the issuance of any endorsement or resolution, describing the time and attention afforded the matter approved.
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E M P L O Y M E N T

The San Francisco Wastewater Project

If there was one major issue above all others in the HRC's work during 1977, it was this one. The long-needed, long-planned, and long-anticipated San Francisco Wastewater Project went into high gear at last, with some eighty major contracts plus sub-contracts to be let by the City for an undertaking due to cost approximately 1.5 billion dollars (mostly federal money) and to take eight to ten years to complete. San Francisco's antiquated and inadequate sewer system, which dumped raw sewage into the Bay and ocean when rainstorms overloaded it, had to be revamped, and a mammoth diversion built to take sewage south of the City, treat it, and transport it underground and far out into the Pacific for disposal.

Needless to say, the HRC, with the legal mandate under the Administrative Code to monitor City contracts for compliance with affirmative action, had to get into high gear itself as the project got under way. It moved early to establish its strong position: that it had the authority, capability and the commitment to oversee this huge construction project. Responding to a presentation of the Black Business Association, for example, the HRC early in the year endorsed a Resolution Calling for Community-Based Small and Ethnic Minority Business Participation in Contracts for the San Francisco Wastewater Project. This measure introduced at the Board of Supervisors, called for direct participation by small business concerns (owned by economically-disadvantaged persons) in contract and sub-contract for supplies and services, with a 5% equalization factor for their benefit on all contracts of \$10,000 or less. Other steps the HRC urged in order to develop the capabilities of these small businesses included waiver of retention requirements, and waiver of bond requirements through pooled risk programs, or a program in cooperation with state or federal agencies, or the development of self-insured bonding programs with adequate reserves.

By the Spring of 1977, there had developed a critical challenge to the HRC's jurisdictional right to monitor both the Wastewater project and the Yerba Buena Center development for affirmative action, and the HRC Director, Commissioners, and staff were to be involved in innumerable meetings with the Chief Administrative Officer, the separate Wastewater Management staff, and other City officials on this issue. In June, a member of the Board of Supervisors stated publically (in a Board meeting and on the radio) that the HRC did not have the capability to monitor the Wastewater project. The immediate response was in the form of a detailed letter on highlights of HRC achievements in achieving a high level of minority participation in various crafts, its pioneering the use of goals and time-tables in employment for minorities and women in the trades, the millions of dollars in contracts awarded to minority contractors by City departments through HRC work, etc.

The City's Board of Supervisors then narrowly failed to pass a resolution that would..."give consideration to assigning Affirmative

Action Program Personnel of the Project to work...under the supervision of the HRC." In June this issue became more public through the press, with the Wastewater Management staff stating that its separate, unilateral affirmative action work had achieved a greater total of minority contracts than ever made before, a fact refuted by the HRC's 10-year track record. The HRC charged that it suffered, from these and other actions, from the lack of coordination with it, credibility damage to all City affirmative action work, and numerous complaints from the minority community.

Eventually, a nine-person Affirmative Action Oversight Committee was formed by the Chief Administrative Officer. The HRC stressed to that committee that it could not monitor contracts for affirmative action when it had no initial control over them; it had been the practice of the Wastewater Management staff to send contracts already negotiated to the HRC asking for its approval.

Despite this jurisdictional tug-of-war between the HRC and the City's Wastewater Management staff, the HRC continued its affirmative action work with the project in three major areas; construction, design, and management. It continued to insist that its guidelines and goals, including women and minority entrepreneurship standards, be maintained. It reported publically at a regular HRC meeting its concerns, typified by a 30-page construction management contract negotiated by the Wastewater Management Program staff that failed to comply with HRC standards in several ways, such as failing to include Chapter 12B (the Nondiscrimination Ordinance) in the contract, omission of certain discrimination categories, and inclusion of minority businesses at a percentage below HRC requirements.

Subsequent meetings with all parties affirmed the HRC's role to:

- hold all pre-award contract meetings
- review and approve (prior to signing) contracts for affirmative action compliance
- monitor and enforce the affirmative action requirements
- process complaints arising in these contracts

In addition, the HRC drew up budget support needs to provide staff and clerical help to fully carry out the affirmative action duties for not only the Wastewater project but the Yerba Buena Center project as well.

In late summer, a nine-point recommendation was made by Chief Administrative Officer Roger Boas concerning the HRC's mandated responsibilities. It held that the HRC should be the policy and monitoring arm for both the Wastewater and YBC projects while management of them

would be the function of the Wastewater Management staff with the HRC having ultimate responsibility for affirmative action; that its staff should be increased (with funds from Wastewater Management and YBC sources); that audits should be made by the HRC of Wastewater and YBC contracts for compliance with affirmative action; and that there be an increase in the salary of the HRC Director. Crucial to these recommendations, however, was the need for funding approval of the Board of Supervisors, and the HRC moved at this point to make its position fully and promptly known to all concerned.

For weeks, the HRC was in meetings with City officials, with committees of the Board of Supervisors (Governmental Services, Finance, etc.), with the private construction management firm hired by the City's Wastewater Management staff, even while the day-by-day monitoring went on with its Wastewater staff handling construction (Stanley Lim and Coke Anoai), and design, architects, engineers, and professional services (Vicky Rathbone, Essie Thomas, and Edward Vurek). Ms. Rathbone, Ms. Thomas, Ms. Anoai, and Mr. Vurek are CETA-funded employees. The Rathbone-Thomas-Vurek team in late Fall presented a comprehensive report on the minority entrepreneurship portion of the affirmative action contracts with architectural, engineering, and design firms. They described their operating procedures (attending pre-proposal meetings, pre-selection or final selection interviews; and negotiating affirmative action programs with selected firms). The latter programs/agreements included: full compliance with Chapter 12.B, agreement to extend obligation to all sub-contractors, expanded recruitment, specific hiring goals for minorities and women, use of training programs, and agreement on reporting requirements.

Eventually, the Board of Supervisors did approve a resolution approving "...the concept of increasing the (HRC) staff by using Wastewater Management and Yerba Buena...funds..." However, still to be settled was the difference between the number of additional staff the Chief Administrative Officer was willing to commit, and the larger number the HRC estimated would be needed.

At year's end, the HRC's budget request for \$110,000 for staff positions and operating expenses were resubmitted to the Board of Supervisors as a supplemental appropriation still pending approval.

Embarcadero Referral Service

For many years, the HRC had sought to convince private business that job referral services based in the downtown area could be a means for recruiting and hiring qualified minorities, and in 1977 the first report on the year-long operation of the Embarcadero Center Referral

Service was made. The Embarcadero Center is a complex of tower office buildings in the lower Financial District of the City.

Planning for setting up the referral office involved the HRC, the Center management, and the Redevelopment Agency. Organized on a nonprofit basis, ERS was designed to facilitate employment opportunities for minorities and women in white-collar jobs. ERS was governed by an eight-member Board of Directors with one ex-officio director from the minority community and additional support from an advisory committee.

The HRC's long-standing interest in this particular kind of emphasis on referral was based on the history of affirmative action programs' ability to place blue-collar workers, but the falling-off of minority participation when white-collar jobs replaced the construction crews. The ERS was based on a voluntary component, whereby firms located in the Center could draw from a Skills Bank as their needs developed, but not as a result of court-mandated action.

At the time of the report by the ERS director, Ms. Eve Williams, approximately 11,500 jobs were in the three buildings then forming the complex; 5,150 were affiliated with the ERS (but ERS was not limited to use by complex tenants). After one year, the ERS was supported by 32 firms, seven of them located outside the complex. It provided intake, referral, career counseling, and recruitment services.

Proposed Affirmative Action Plan for Civil Service

The HRC's Frank Anderson made, at the HRC's request, an exhaustive analysis of a proposed affirmative action plan for the Civil Service Commission brought first to the HRC by Darrell Salomon, then president of the CSC. The Salomon proposal, which would have been in the form of a proposed amendment (Rule 1.03) to Civil Service Rules, had been brought to the HRC for its consideration in late 1976.

Mr. Anderson's analysis stated, in part, "The proposed Civil Service Rule 1, Section 1.03 is not an affirmative action plan. It fails to meet minimum requirements for a plan, as established by the U.S. Equal Employment Opportunity Commission, California State Fair Employment Practices Commission, and the San Francisco HRC." Mr. Anderson further stated, "The Salomon proposal lacks a specific operative structure for affirmative action. The complex civil service system warrants a plan that is structured and measurable in relationship to improvement in hiring, training and promotion of minorities and women in all phases of City employment." The analysis then listed four "crucial elements" the proposal lacked.

There was intensive HRC discussion of this proposed plan, with testimony from a member of the Civil Service Commission staff on the second draft of it Mr. Salomon eventually submitted as the result, in part, of HRC concerns.

A work group of the HRC's Employment Committee was asked to compare the second Salomon plan, in light of the HRC response paper and its continuing concerns about various aspects of it. These concerns were shared by the Commission on the Status of Women.

In April, the CSC did adopt Rule 1.03, called "Affirmative Action Plan and Policy for Equal Opportunities", with the proviso that during the ensuing 180 days a supplemental plan be developed with the assistance of an advisory committee. The adopted plan would impose heavy review and investigation obligations on the HRC staff, and it insisted that it have input during the 180-day period for the drafting of a supplement. The HRC served on the advisory committee which continued to meet throughout the year.

Affirmative Action in the Hotel Industry

The HRC has worked with the hotel industry, a major one in tourist-jammed San Francisco, since the early 1960s. As a matter of fact, sit-ins over hiring practices that excluded minorities in the hotels in the early 1960s led eventually to the founding of a human rights commission. Since the HRC's formation, in 1964, its staff and commissioners have assisted the City's major hotels and concerned communities in establishing affirmative action programs in the employment of women and minorities. Real progress in equal employment in this industry has not been made over the years. Though not City contractors, the hotels are within the HRC responsibility under Chapter 12A, with voluntary compliance the key factor.

In 1977, Jesse Martinez, the HRC's Affirmative Action Officer monitoring hotels, made a detailed report on the 37 members of the Hotel Employers Association and the 1976 employment picture. There were comparative figures for 1975 and 1976, and these showed, among other facts, that:

- There was an increase from 6,363 jobs in 1975 to 6,629.
- Total minority and female representation increased from 59% to 60% and 42% to 45%, respectively.
- There was an increase from 27% to 33% in minorities in Administrative Service.
- Blacks decreased in the accounting and beverage preparation areas, from 11% to 3%, and 7% to 4%. Jobs also decreased in these areas in 1976.

- Spanish-origin, Filipino, Black, and Chinese employees found more jobs in administrative services and front office jobs.

The HRC continuously worked with and encouraged training programs such as the Hotel Restaurant Labor Management Education Fund, a joint undertaking by management and labor, and the hotel and restaurant curriculum of City College.

At the time of Mr. Martinez's report, the HRC was concentrating on:

- analysis of major hotel statistics and aid in identifying areas in need of improvement,

- stimulation of the coordination and utilization of existing community organizations whose interest is affirmative action, and

- augmentation of the affirmative action potential of City College's Hotel and Restaurant Department.

The HRC paid tribute in this report to the supportive efforts of culinary unions in apprenticeship programs and minority participation. And the contributions of the hotels themselves were cited, as well, with a reminder that long HRC groundwork with the management of the Hyatt Regency before it ever opened resulted in an initial minority workforce of some 60% of the total.

Procedural Actions Regarding Hearings and Findings

Since the HRC's functions during 1977 involved a number of complaint hearings (see specific hearing descriptions elsewhere in this section), several procedural changes and up-dates were made by the HRC to expedite and clarify this work. Show cause hearing panels are used by the HRC in an effort to resolve issues without appeals to the full HRC. It was emphasized that the HRC's primary aim in setting procedural rules is to make certain that the administrative process is fair, whether as a Director's finding, a show cause hearing panel, or a hearing by the full Commission.

Endorsement of California Human Services/Job Development Act

Assembly Bill 1681 and a companion measure, Senate Bill 916, provided for \$10 million to the State Office of Economic Opportunity, authorizing it to make grants to nonprofit corporations, in addition to state and local units of government. Human Services were defined as child care, care for senior citizens, health and medical care, community care for the developmentally-handicapped, environmental repair, etc. It provided for a policy board and an evaluation component. The legislation came out of Lieutenant Governor Mervyn Dymally's office with sponsorship by several legislators. The HRC endorsed this measure, designed also to provide jobs for periods of 18 months, at prevailing wage scales.

At the end of the year these companion measures were still in the Assembly Committee on Labor, Employment Affairs.

Endorsement of National Goals/Timetables for Women in Apprenticeship

Already on record in 1976 in support of the concept of women in apprenticeship and the adoption of goals and timetables on the state (California) level, the HRC in 1977 formally endorsed setting national goals and timetables for women in apprenticeship. Local support for this issue came largely from a group called Women in Apprenticeship that grew out of Advocates for Women.

Support for Unemployment Benefits for Ex-Inmates

Unemployment compensation and disability benefits are now provided in California for former inmates of state prisons or institutions. The HRC endorsed Senate Bill 224 (which becomes operative July 1, 1978) in mid-year. It was written to include such persons as permitted in the Constitution for benefits (not exceeding 26 weeks) based on wages in specified "employment" performed as an inmate, and to require that the additional cost of these benefits be paid by the state. Existing law had made no provision for unemployment compensation, extended duration benefits, federal-state extended benefits, and unemployment compensation disability for former inmates of state prisons or institutions under the jurisdiction of the Department of Corrections.

Legal Challenge to HRC by Wharf Restaurants

As reported in the Annual Report of 1976, the HRC found increasing and continuing difficulty in administering its affirmative action mandate with the major restaurants at Fisherman's Wharf. These businesses hold leases from the Port Commission, which controls the land they are on. For a time, it was thought that a definitive agreement, first signed in 1974, calling for a quarterly analysis by the HRC of various activities (hiring, termination reports, affirmative action file-keeping, and employee upgrading) would help isolate problem areas.

In 1976 the HRC staff report on these Wharf restaurants stated that the 1970 affirmative action agreement and those subsequent had not been fully carried out by the signators. Other sources of referral and recruitment were not fully utilized; there was no effective effort to upgrade existing employees; the HRC did not receive notices of openings, or of terminations and the reasons for them; and, in addition to incomplete reporting, delays were long and flagrant. The staff made efforts to increase contacts with these employers for

recruitment and training, attempted to meet with community groups on how to secure better affirmative action, expanded its work on complaint processing, etc. But it had no success. In late 1976, responding to complaints of non-compliance, a challenge to the monitoring agreement conditions was filed in a lawsuit by Alioto's Fish Company, Ltd., and some fifteen other major Wharf restaurants. The suite challenged the HRC's jurisdiction to monitor for affirmative action compliance and require periodic reporting to it.

The suite was heard before Judge Charles Peery in Superior Court through the summer and Fall of 1977. It asked a writ of mandamus and injunction to prevent the HRC from soliciting further workforce data from these restaurants under Chapter 12B of the Administrative Code.

Judge Peery was to rule (in this nonjury trail) on two issues:

1. Does the state Fair Employment Practice Commission preempt the HRC affirmative action jurisdiction?
2. Does Chapter 12B apply to the Fisherman's Wharf restaurants in light of the fact that some of their individual leases pre-date the specific amendment to Chapter 12B clarifying the lease issue?

The HRC was represented by Judith Teichman, a Deputy Attorney in the City attorney's office.

In October Judge Peery issued a declaratory judgement that:

1. The State of California has pre-empted the field of employment discrimination and that local governments are thus enjoined from enacting their own versions of nondiscrimination in employment legislation.
2. The pre-emptive effect of the state law extends only to leases, not to other types of contracts such as public works contracts; and
3. The addendum to the petitioners' leases was null and void and of no application. (This was Chapter 12B).

The City Attorney's office filed notice of appeal from the decision to the California Supreme Court as 1977 ended.

Retail Department Stores and Affirmative Action

The downtown retail department stores' contact with the HRC is one of the longest of all such programs with private industry, dating

back to 1964. The HRC in that year was asked to mediate a dispute between the United Freedom Movement (CORE, NAACP, and the Baptist Ministers Union) and the retail department stores in regard to a memorandum of understanding signed by both parties in 1963. The mediation request came as a result of the frustrations of the Freedom Movement in determining how well, through a reporting system, that memorandum of understanding (for opening up minority job opportunities) was being followed. The HRC henceforth became compliance monitor for the memorandum of agreement and future related matters.

In 1977, Frank Anderson, for some eight years the HRC's Employment Representative overseeing this program, made his annual review and analysis, with statistical support, covering the Employment Opportunity Program (a pilot program originated by the HRC with the San Francisco Retailers Community Relations Group). This was the outgrowth of years of negotiations between the HRC and the Community Relations Group (CRG). The CRG provides the HRC with ethnic employment statistics quarterly, participates in a limited Christmas Jobs Program for out-of-school youth each year, and, in 1976, agreed to the Employment Opportunity Program for a long-range, on-going approach to employment. Prior to 1976, the HRC staff had been hampered in its ability to deal effectively with the needs of minorities' participation in retail employment, and with the upgrading of women because it lacked basic information from the stores. In addition, it lacked a specific year-round program.

Although minority employment in the retail stores doubled in a decade, from 13% in 1963 to 27% in 1973, the HRC found, and reported, in Mr. Anderson's 1977 report, that San Francisco minority citizens were still under-represented in the department store industry.

Between 1973 and 1976, HRC staff and an ad hoc committee of members of the HRC met many times, collectively and individually, with members of the CRG to try to develop an affirmative action employment program. Community organizations such as the Baptist Ministers' Conference, the Employment Law Center, the National Organization for Women, the Japanese-American Citizen's League, Arriba Juntos, et al., assisted in this work.

Finally, this Employment Opportunity Program (twenty member stores participating) was written, agreed to, and set in motion. Its purpose, with HRC urging, was to "...be certain that all employees are treated equally and that acceptable achievements are accomplished as early as possible." The CRG seems to have a comparable racial breakdown of employees as exists in the City's population. The policy of member stores for recruitment, hiring, and promotion was not only specifically nondiscriminatory, but also contained provision that sex or age were, in some cases (persons, for example,

who assist people with trying on clothes in dressing rooms) bonafide occupational qualifications. There was, of course, provision for review and evaluation in one year by the HRC of the Employment Opportunity Program and its components. And in March, 1977, the first-year anniversary, information was requested from the CRG by the HRC. Fifteen stores then were participating (five of the original stores had closed). Their employees totaled in a range from less than fifty to 3,000. Business, despite some closures, was good for the retail business.

Mr. Anderson's 1977 update was an analysis of the status of: program components, promulgation of program information to employees, posting of job openings, upgrading, goals (minority employment at the time of the report-April 1, 1977-was 31.35% compared with 30.59% for December of 1975), the Christmas Jobs Program, and specific program data such as the number of persons interviewed, offered jobs, on the job, etc.

But the crux of any analysis and evaluation was the list of corrective action steps the HRC felt were needed in problem areas, such as recruitment policies and notification to community agencies, continued efforts for upgrading of minority jobs, and continued work towards reaching a proportionately representative minority body of employees.

Summarizing, Mr. Anderson reported that the CRG members seemed to be "fully aware" of their responsibilities, and the principles of affirmative action. The HRC had suggestions for better monitoring and data-sharing procedures in general, and some specific technical recommendations as well, such as de-sexing job titles and specific programs for promoting women to upper management and policy-making levels.

Mr. Anderson's presentation was followed by comment from and discussion with Lloyd Pfleuger, chairperson of the CRG. One stumbling block that persisted, and was not resolved during 1977, was the insistence by the CRG that figures be reported for the group as a whole, and not by individual stores. The HRC closed out the year still attempting to get affirmative action information on individual member stores of the CRG, information, incidentally, that is provided by law to federal agencies.

Revision of HRC Affirmative Action Policy and Program

A letter to then-HRC Chairperson Caryl Mezey from Commissioner Nadim Zarour in April of 1977 urged that the HRC undertake a self-evaluation of its Affirmative Action Policy and Program, and the Employment Committee spend months following up on this requests, which it dovetailed with work on Civil Service affirmative action and other concerns. It sponsored three public hearings, at which representatives

of labor, of community groups, of education, and of the private business sector were invited to make their observations and suggestions. Commissioner Zarour had asked that a special committee research and define affirmative action, review HRC programs, and submit a report to the Mayor.

Five recommendations came out of the Employment Committee:

1. A revision of the HRC's Principles of Affirmative Action in Employment originally adopted in 1972 and revised in 1973. This version specifies the basic elements of an affirmative action program, and discusses goals and methods in: recruitment, training, testing and selection, job analysis, measurement, accountability, goals and quotas, upgrading and promotion, seniority, layoffs, employee associations and labor unions, revision and communication, and, finally, good faith and cooperation.
2. Specific recommendations for the San Francisco Civil Service on: an affirmative action plan, the Rule of Three (i.e., City department heads being given the option of choosing from the top three tested candidates for Civil Service jobs), selective certification, past experience, alternative employment, training, job-sharing, and part-time employment.
3. Pertinence of the above (in 2.) to employment in the private sector.
4. A call for committee to study immediate and future needs for amendment of Chapter 12B (the contract compliance Nondiscrimination Ordinance) by the Board of Supervisors.
5. HRC budget needs for implementation of the recommendations, and establishment of an in-house ad hoc committee to develop long-term plans for securing this increased budget support.

With emphasis placed on recommendations calling for immediate action, the HRC adopted them (as two documents: Principles of Affirmative Action in Employment and HRC Priorities in Employment). A delegation including Director Mickins, members of the Employment Committee, and Commissioners was formed to take the documents to the Mayor personally, requesting a follow-up meeting with him and his staff on implementation.

The HRC's transmittal letter to the Mayor stated that no affirmative action program can be successful without intensive job development, and it asked that the City government devise and implement a long-range, coordinated job development program.

Public Utilities Commission/Minority Business Report

The HRC's Affirmative Action Program applies to contracts let by the PUC, and each year the HRC receives a report from George Newkirk,

the PUC Employment Contracts Compliance Officer. In the Fall of 1977, the PUC had six construction contracts involving minority participation (minority entrepreneurship) and these contracts totaled \$2,920,628. or about 6% of the total dollar value of all contracts in progress. In other-than-construction contracts, the minority dollar value was \$1,755,903. The minority participation altogether totaled \$1,355,903. Mr. Newkirk pointed out, however, that the PUC had 39 projects with contracts that were in progress prior to the implementation of a minority participation program. The PUC at the time of this report had one minority firm with a professional services contracts and was requiring all such firms (for professional services) to include minority firms on their consulting teams.

One difficulty in getting minority subcontractors in the big PUC underground wiring and tract contracts was when one contractor could handle all parts of the job--excavation, filling, and covering.

Mr. Newkirk also told the HRC that there was a need to make "massive improvements" in all PUC professional services contracts for more minority participation, and he said there was a "concerted effort" being made by firms making proposals to the PUC (which entails the City departments of the Municipal Railway, the Hetch Hetchy Water District, and the Water Department).

City Construction/Minority Entrepreneurship

This, too, is an annual report by Stanley Lim, the HRC's veteran Contract Compliance Officer who, in 1977, with one CETA assistant, comprised the only professional staff the HRC had to monitor all construction for contract compliance. This report was made at the same time as Mr. Newkirk's, above.

This was the first time a statistical analysis had been made on the participation of minority contractors and truck owners and operators in City construction contracts since the adoption (on August 24, 1976, and reaffirmed on March 24, 1977) of the HRC program on minority entrepreneurship. It was based on 23 then-current active contracts, 15 with specific requirements, and eight awarded prior to the adoption of the HRC program.

As of July 31, 1977, all City-funded (wholly or partially) construction contracts totaled \$197,324,911. These represented the various owners or users within City government from the Recreation and Park Department to the Community College District. By far the largest number of contracts are through the Department of Public Works, followed by the Airports Commission--the two of them (including the massive Wastewater project) worth nearly \$158 million, or just over 80% of all contracts.

Minority contractors and truck owners and operators had 6.7% (or \$15,321,009) of these City construction contracts. In contracts negotiated after the HRC program went into effect, minority entrepreneurs had an 11.9% of the contracts, but in those without special entrepreneurship requirements, that figure was only 3.5%. Because of "flexible" requirements, the goal for minority participation is not necessarily uniform in each contract. The type of construction and the cost become factors in determining the goal.

The San Francisco School District, the report showed, has granted \$7.9 million (33.3%) in twenty Field Act Reconstruction (earthquake-proofing of school buildings) contracts to minorities since 1975. Mr. Lim said this higher minority figure was due to the existence of a relatively high level of subcontractor work available. The HRC analysis showed that in building construction, minorities received from 18.4% to 29.8%, much higher than in heavy engineering.

After its first year of operation, Mr. Lim stated, the HRC program had demonstrated its effectiveness in fulfilling its goals as intended in most areas. For example, with the exception of American Indians, contractors of Black, Spanish-Origin, and Asian background each shared a good proportionate amount of the total contracts awarded to minority firms. Minority truck owners and operators had fared well, but the need here, Lim said, was to develop a wider distribution of work so it would not be concentrated among a few brokers.

The core of the HRC program was the basic set of goals adopted by the Commission. This program, Lim explained, did not recognize women-owned firms as "minority" entrepreneurs. During the hearings on the program, there was no evidence on the number or availability of construction or trucking firms owned by nonminority women, so no goals were set until a more thorough appraisal could be made.

A number of findings came out of this first year of experience:

1. Contrary to speculation that minority participation would be difficult because of bonding and insurance requirements, a substantial number did meet such requirements. The HRC heard of no case where a minority contractor or subcontractor was disqualified because of the lack of bonding or insurance.

2. There was no concrete proof that contracts with minority business requirements automatically cost higher than the estimated contracts.

3. There was no question as to the ability of minority contractors.

4. Except for a few protests and allegations on the question of true ownership of minority firms, which later proved to be

groundless, all of the firms investigated showed properly-documented minority ownership.

Lim again stressed the need for increased HRC staff to handle the increased volume of work relating to the minority entrepreneurship requirements.

He urged inclusion of goals for nonminority woman-owned firms' participation in City construction.

In summary, Mr. Lim said, "As no single program can solve all of the social or economic problems within this City, we have achieved a measurable degree of success as well as encountered much frustration during the initial period of operation."

Women Apprentices in City-Funded Construction Contracts

This extensive report was the work of Suataute Anoai, a CETA-funded Contract Compliance Specialist.

The HRC's official involvement in equal opportunity for women started in April of 1972, when amendments were added to Chapter 12B of the Administrative Code to include nondiscrimination on the basis of sex. By 1973, three women had been placed on City construction projects.

The HRC had staff input in the initial stage of the screening and selection process for the position of Director of the Women in Apprenticeship Program, the only outreach program set up specifically to assist women to enter the skilled trades. Before 1974, goals for women apprentices were not set, but the HRC encouraged City contractors to hire women as a good-faith demonstration.

In 1974, the Women in Apprenticeship Program proposed amendments to the California Plan for Equal Opportunity in Apprenticeship to include affirmative action with goals and timetables for women. In January 1976, with strong endorsement from the HRC (which had required goals for women for several years) among many other agencies and groups in the state, the California Apprenticeship Council adopted the amendments. California thus became the first state to require goals and timetables for women in apprenticeship. The amendments caused some 600 joint apprenticeship committees to set percentage goals for hiring women that were realistic for their areas and specific trades.

In September of 1976, the HRC required percentage goals for women as part of the affirmative action City construction program, becoming one of the first compliance agencies to do so.

The HRC's minimum goals were 7% to 10% for 1976 10%-12% effective January, 1977; 12%-15% for 1978; and 15%-18% for 1979. From May, 1976, to July, 1977, eleven women apprentices were placed in City construction projects. The overall percentage of women apprentices was 3.2% for the first six months of 1977, an increase from the 1.6% in March of 1976.

Prior to the inclusion of these goals, the efforts to place women in City construction had been frustrating. Most contractors were (some still are) reluctant to hire for various reasons, ranging from the inconvenience of toilet facilities, to ability of women to perform hard labor, to stereotyped attitudes, etc.

The State Division of Apprenticeship Standards released statistics showing a 60% increase in women apprentices in 1976. In San Francisco, in mid-1977, there were 38 women with apprenticeship agreements; the 15 in construction crafts were carpenter, electrical, mill cabinet, painter, and plumber apprentices. Women in other trades were available for work.

One factor Ms. Anoai reported was that there was a high turnover rate, due to a combination of several reasons: employers' attitudes towards women as construction workers, on-the-job pressure from fellow employees, social pressure from family and friends, the short term of the construction contracts, and the apprenticeship process (four years before journeyman status).

Although at the time of this report the number of women apprentices in City construction reflected only a fraction of the total number of apprentices in the City, the figures had doubled since goals were set for women. This position the HRC continued to insist on--the establishment of official goals and timetables, with effective enforcement. The HRC also pledged continuation of its advocacy position for women entering nontraditional trades in San Francisco.

Civil Service Commission Complaint Caseload/Affirmative Action

The HRC's continuous involvement with the Civil Service System, one of the major and early sources of minority employment opportunity in the City, dates back to 1965. This annual compilation and analysis to the HRC is made by Frank Anderson, the HRC's veteran Employment Representative.

The HRC has established the CSC as a priority project for a number of reasons:

1. Chapter 12A of the Administrative Code mandates it.
2. The City workforce of some 28,000 persons provides a variety of jobs.

3. The HRC is mandated to advise and give technical assistance to City departments to understand systemic areas of discrimination and improve equal employment opportunity for all.

The general affirmative action approach of the HRC is to help effect institutional changes in employment systems, such as the CSC. The City for the past several years, especially, has borne a major responsibility in the employment of the disadvantaged, due to the economic recession, high inflation, and most, of all, continued high unemployment.

The HRC's role and involvement with CSC is multi-facted, including mediating and resolving employment complaints, consulting with City departments, community organizations and labor unions, serving on advisory committees and responding to the requests of the Mayor, his staff, and the CSC.

In Mr. Anderson's year-end report, he noted the HRC complaint case-load of 192 involving the CSC and/or City departments compared to 173 a year earlier. Three major categories continued to be prominent:

1. Persons already in the Civil Service system alleging unfair treatment in assignment, promotion, lateral mobility or in other related employment matters.

2. Persons claiming exclusion by artificial barriers at the pre-employment stages of obtaining a Civil Service job.

3. Persons who feel discouraged from applying for a City job because of fear of failure, history group exclusion, lack of faith, or negative experience with government in general.

The key trust of HRC's overall involvement with CSC is to 1) study, analyse, and make recommendations to prevent the continuation of complaint problems, 2) solve or resolve individual complaints fairly and satisfactorily, and 3) inform persons of their rights and resources and assist them with the complexities of the Civil Service system.

Of the 192 complaints the HRC handled (during the year this report covers) approximately 50% were charges alleging race discrimination, 25% in the basis of national origin, 20% on the basis of sex, 4% sexual orientation, and 1% disability.

A vital function of Mr. Anderson's work during 1977 was his continuing membership on the Affirmative Action Advisory Committee, (the HRC and some 14 other offices, agencies, and departments), who general purpose was to examine the Civil Service workforce, determine underutilizations, and develop an affirmative action plan proposal. Establishment of this committee by the Civil Service Commission in July of 1977 followed HRC objections (with other groups) to a proposed Rule 1.03: Affirmative Action Plan for Equal

Opportunities. This had been adopted early in 1977 by the CSC, but HRC's analysis of it found it not a comprehensive plan, lacking a specific operative structure for affirmative action. It lacked the following critical elements:

1. A strong policy and commitment via acknowledgement of the historical problem and a commitment to resolvment.
2. Standards and sanctions for noncompliance.
3. Specific details on the requirement for individual departments to develop plans and their accountability.
4. Clarification of vague terms and definitions.

The Advisory Committee by the end of the year had prepared a 255-page draft proposal to submit to the CSC.

The HRC's first City employment survey, in 1965, showed a 22.5% overall minority participation rate. The 1976-77 survey (in 1974, the CSC took over this survey via the City's Electronic Data Processing system) showed 46.4% minorities, with 38% women. The HRC had taken the lead in developing guidelines and rules on use of federally-required (Equal Employment Opportunity Commission EEO-4 Form) information in this survey. Tangential to its work with the Affirmative Action Advisory Committee, it, in 1977, made a number of specific recommendations, asking for CSC adoption of a strong, workable Affirmative Action Plan; for full moral and financial support from the Mayor, the Board of Supervisors, and department heads; for department heads and other City officials to give full support and implementation of affirmative departmental objectives; establishment of timetables and targets with plans for reaching objectives; and a good internal audit and reporting system to measure and communicate results; etc.

G A Y A D V I S O R Y C O M M I T T E E

Annual Report on Liaison Worker Activities

An update report on the work of the Gay Liaison Specialist, Jo Daly, and her activities in the past year was made to the HRC at its meeting in 1977. That work included keeping abreast of all legislation (state, local, federal) which addressed discriminatory practices and policies based on marital status, sex, and sexual orientation. Bills which affected police powers and those concerning sex education for doctors and other licensed professional counselors also drew attention.

On the national level, the Abzug bill was introduced in the House of Representatives to grant gay citizens equal protection under the 1964 Civil Rights Act. This bill now sits in the House Judiciary Subcommittee on Civil and Constitutional Rights, chaired by Congressman Dan Edwards of California.

On the state level, the most crucial piece of legislation, which met ultimate defeat, was the Equal Employment Bill, designed to grant state-wide job protection for gay people. Assemblyman Art Agnos introduced two bills in 1977. One added "sexual orientation" as a protected category; the other re-defined the category of "sex" to include sexual harassment on the job as well as expanding the meaning to include "sexual orientation."

Staff attended the State Human Rights Commission conference, and co-authored a publication called "Ending Discrimination Against Lesbians and Gay Men," in a project privately funded. The report was designed as a resource to aid in the passage of municipal ordinances to extend protection to gay citizens.

Ms. Daly spoke at various colleges in workshops and seminars, generally on legislation and civil rights issues affecting gay citizens. She handled more than 70 complaints in 1976, and worked with the Civil Service Commission, the Fire Department, the Police Department, and the Board of Education on common concerns.

The three public hearings (described in the HRC 1976 Annual Report) produced a formal report on the issues raised, the problem areas covered (employment, education, community services, health, housing, police, legal issues, safety, and jails), and the followup work with agencies both private and public.

Special attention was paid to the June, 1977, referendum which overturned the civil rights ordinance protecting the gay residents in Dade County, Florida. This was, Ms. Daly stated, the first successful overthrow of a civil rights ordinance of any kind, and marked the beginning of a nation-wide campaign to overturn similar gay rights ordinances in cities across the country.

Bus Sign Proposal for Gay Complaint Referrals

The Gay Advisory Committee of the HRC and other groups had long been concerned that many citizens are unaware of the services offered by the HRC and that gay people in particular are unaware of their rights under the City's Administrative Code. Since other public service organizations had made use of bus signs as a public relations tool with considerable and measurable success, the Committee obtained voluntary graphic services, identified the bus lines which carry the most gay riders, and began efforts, with full HRC support, to obtain funding from community sources to finance the posting of a message that would direct gays having employment, housing, or other kinds of discrimination problems, to call them in to the HRC.

The Committee has been researching various methods through which to raise the necessary funding for this project.

Fire Safety in Places of Public Assembly

What appeared to be a pattern of arson offenses against gay-operated and gay-patronized places, including a church, a service agency office, restaurants and public baths led to the HRC's Committee sponsoring a public hearing for input by the Fire Department, business operators, and the community.

There was anxiety about the possible connection between the fires and highly-publicized attacks on the street against gay persons.

It developed that some San Francisco establishments were inviting tragedy through dangerous over-crowding, and a lack of fire exits, sprinkler systems, and smoke detectors. As a result of the public hearing, a number of bars that were in violation of the fire codes were identified. The Committee found the Fire Department to be very responsive and cooperative, and the public meetings engendered a stepped-up inspection program extending beyond gay places of business to all places of public assembly in San Francisco. Subsequent public meetings were held to disseminate information on fire regulations.

A pamphlet called "Fire Safety is Good Business" was prepared by members of the gay community (including HRC staff) in cooperation with the San Francisco Fire Department. It provided information on legal occupancy regulations, public assembly requirements for exits, fire extinguishers, combustible materials, and so forth. It was printed and mailed by the Tavern Guild of San Francisco, a trade association of primarily gay-operated and gay-patronized bars.

Because of two reported deaths in San Francisco bathhouse fires, which were determined to be the work of arsonists, the Fire Safety Committee, along with the

Fire Chief's office, began the preliminary drafting of an ordinance designed to make all bathhouses safer for the patrons. The Chief's office immediately began a series of meetings with bathhouse owners to help with the drafting of this legislation.

Anti-Violence Campaign

The street murder of a gay man in June resulted in widespread community shock because it appeared that the murder had aspects of hostility to his being gay in addition to its being an altercation between men in two cars. The HRC had issued, shortly after this incident, a Statement of Concern and Action, referring the threatening situation (attacks and hostility on and against members of the gay community) to the Police Liaison and Gay Advisory Committees. The HRC also said that it was time for a program of community education, understanding, and cooperation.

Endorsement of AB 1130 re: Sexual Orientation Nondiscrimination

This bill would add sexual orientation to the categories (race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex) protected against discrimination in employment, and would make such discrimination an unlawful employment practice and a violation of public policy. The bill was identical to AB 633 which the HRC had endorsed in 1976. It died in committee by one vote.

Opposition to Limiting Legal Assistance to Gays

Soon after the Dade County, Florida, election which defeated a Miami ordinance protecting gays from discrimination (the Anita Bryant-engendered movement) an amendment to HR 6666 passed the House of Representatives which would have prohibited the use of any federal funds for the Legal Services Corporation for gay or homosexual issues. On recommendation of the Gay Advisory Committee, the HRC opposed the amendments to HR 6666 (the bill to re-fund the Legal Services Corporation) and urged the Senate to drop them. HR 6666 was tacked onto another bill and eventually was passed, containing the objectionable amendment.

Briggs Initiative

A state Senator, John V. Briggs, joined by California Save Our Children and other groups, in 1977 generated a great deal of public attention (eventually he was to declare his candidacy for the Republican nomination for governor) by introducing a petition to place on the June state ballot a measure that would amend the State Education Code to bar the hiring or employment of any public school teacher in the state "who has engaged in public homosexual conduct" which is defined in the petition as "the advocating, soliciting, imposing, encouraging, or promoting of private or public homosexual activity directed at, or likely to come to the attention of school children and/or other employees."

In Committee and HRC discussion of the initiative petition, it was stated that many feared the initiative would "raise the anti-homosexual spectre throughout the state" in the wake of the national feelings expressed before and after the Dade County election and the Anita Bryant notoriety.

HRC action came on several factors in this issue. The HRC officially opposed and condemned the "efforts of those who are organizing to do away with already-established civil rights in the area of sexual orientation discrimination." It also voted to oppose the use by Senator Briggs and his adherents of "statements designed to discredit the worth, moral fiber, and personal integrity of many Californians who are competent, effective, and inspiring teachers." The final HRC action was a formal resolution opposing the above two areas, and specifically adding its opposition to the initiative measure sponsored by Senator Briggs.

The Briggs initiative failed to qualify for the June ballot because of a technical mistake on the original petition. The Briggs movement began immediately to collect signatures to qualify the petition for the November ballot.

Support of Retention of State Health Deputy Director Mondanaro

There were many facets to this issue (the suspension by Governor Brown of Josette Mondanaro as Deputy Director, Division of Substance Abuse, State Department of Health) that brought Committee and HRC attention to it. Dr. Mondanaro was a lesbian, and there were intimations that disapproval of her lifestyle was a factor. Ostensibly, the firing was because she had written, on state stationery, a letter using some allegedly obscene terms to a professional colleague in another state, protesting attitudes on child abuse that had been printed in a periodical and attributed to another professional. The letter had been written some months prior to her firing, and had come to light after being taken from her office file.

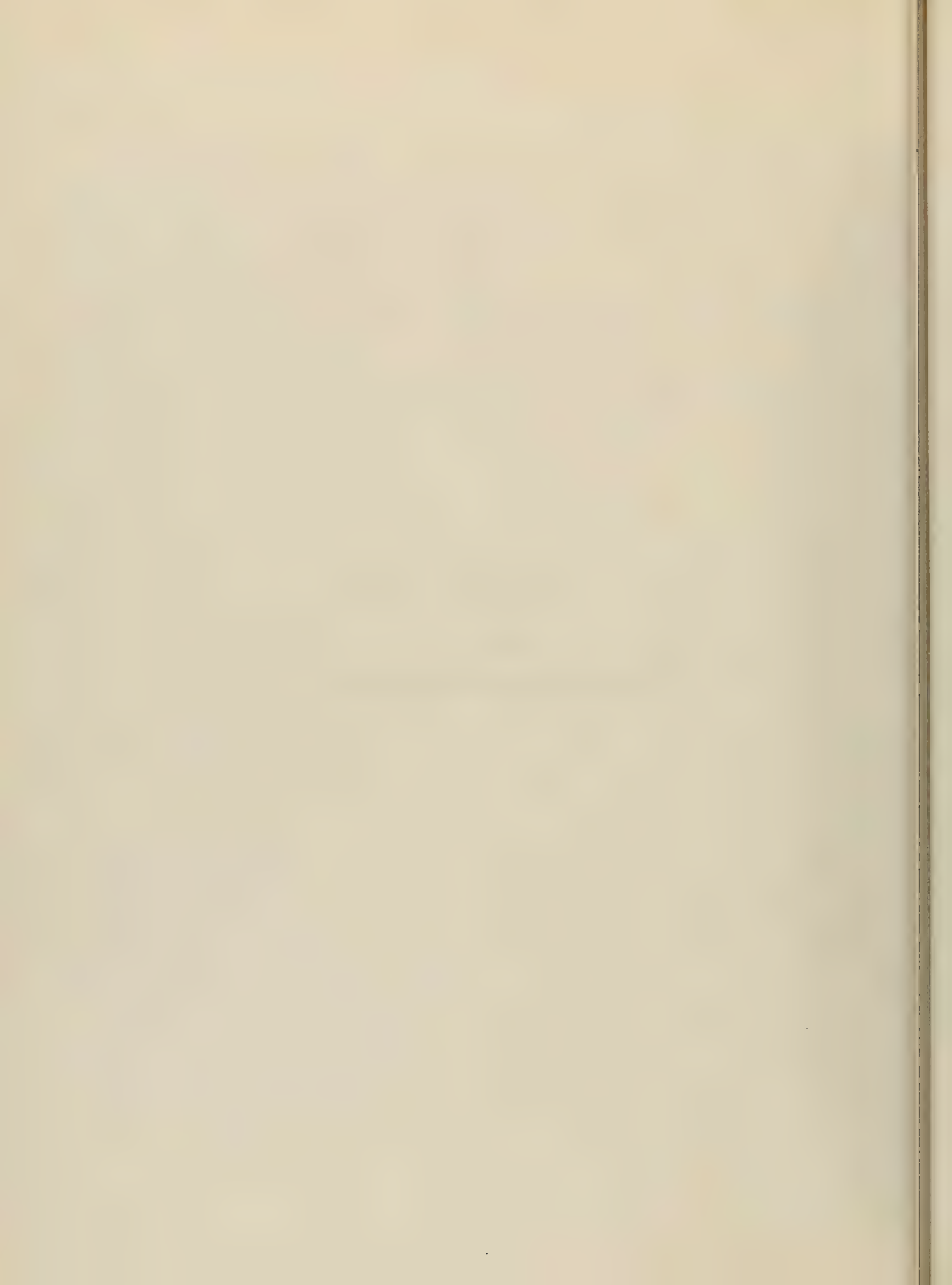
There was also the factor of Dr. Mondanaro being a woman in a high state position. The director of the City's Commission on the Status of Women appeared before the HRC to urge its joining them in protesting the firing, which some saw as a retreat from the involvement of women in decision-making positions in state government.

The HRC authorized the sending of a letter on behalf of the full HRC to Governor Brown urging that he reconsider the case.

The Governor asked that the State Personnel Board rule on the matter. The Board upheld Dr. Mondanaro and she was reinstated and continued her work.



H O U S I N G
A N D
U R B A N D E V E L O P M E N T



International Hotel Issue In Its Ninth Year

Frustration, splintering of support, and eventually eviction characterized the International Hotel picture during 1977. This issue, in which the HRC had been involved since 1968, during 1977 became at times distorted from what was at the outset one which held that the structure, home to mostly elderly, mostly male, mostly Filipino or other Asian persons, should be retained rather than sacrificed to the development interests of a foreign-based corporation.

Eviction efforts by the owners, the Four Seas Corporation, their attempts to obtain a demolition permit, and resistance, legally and otherwise, by the supporters of the hotel led to confrontations. The original tenants were supported during the year, as they were in 1976, by a tightly-organized International Hotel Tenants Association, but also during 1977 some tension within the Association between ideologically-differing groups arose.

David Prowler, Housing Specialist for the HRC, at the HRC's direction acted as liaison between the Association and the Sheriff's Office, which was under court order to evict the tenants of the hotel. Ground-floor tenants of the building also included a number of the politically-active organizations leading the resistance to eviction. A succession of legal maneuvers took place, as eviction orders, counter-orders, and requests for stays of execution were issued.

The HRC spent much time, with individual staff, at the Housing Committee level, and at regular meetings, hearing status reports, presentations from various parties to the issue, and recommendations for action. In January, the HRC adopted a resolution urging that the Housing Authority, the Mayor's Office, the Sheriff's Office, the Board of Supervisors, and "all San Franciscans" join in efforts to prevent eviction and to maintain the hotel as low-income housing. Sheriff Richard Hongisto was to spend five days in jail for contempt in failing to carry out an eviction, which put him and the hotel into the national news.

The HRC stressed that its interest in the affair continued to be:

1. That given the ever-shrinking supply of low-income housing in the City, no conversions or demolition should take place in existing stock unless there were replacement housing at the same income level, and

2. That the International Hotel comprised a unique community of largely elderly Filipino men for whom it was a cultural center as well as a residence in an area with shops and services they needed.

By June, evictions still had not been carried out. The tenant supporters continued frequent public demonstrations; the legal maneuvers continued, and almost every day brought some change in status.

The next stage was the granting of National Landmark status for the building, which basically only made it less attractive, because of removal of certain tax advantages, for the owner to demolish. A purchase plan was devised by the hotel supporters, and the Mayor's Office had a plan, but there was no resolution along these lines, especially after the Superior Court ruled the eminent domain scheme unconstitutional. This plan is still being appealed.

In August, the roof, literally and figuratively, fell in. At one point a bulldozer attempted to, and as a matter of fact did, knock down part of the back wall of the hotel. But in August also, there was a brief, tense, night-time eviction operation carried out by the Sheriff's Department. Commissioner Caryl Mezey of the HRC and the HRC's liaison staff, David Prowler, were on hand to witness the eviction. The remaining elderly tenants were bodily carried or escorted out of the building, and it was boarded up by the Four Seas Corporation. There were some minor injuries and several thousand hotel supporters attempted to thwart the process by their sheer presence. A full report was made to the HRC by Commissioner Mezey. The former tenants were transferred largely to near-by hotels, and Prowler was detailed by the HRC to report on relocation efforts.

Commissioner Fine commented that, "It was a sad enough incident in itself, but if out of it does not emerge some greater commitment on the part of the Board of Supervisors and the Mayor and the City of San Francisco in solving the really critical lack of low-cost housing, then it will be a major tragedy, a loss without any gain."

Mei Lun Yuen (formerly Stockton-Sacramento) Housing Project

The HRC for years had been closely involved with groups in Chinatown attempting to get action on a proposed low-income (largely for elderly people) housing project at the corner of Stockton and Sacramento Streets. Years of local, state, and federal bureaucratic maneuvering preceded the latest crisis which surfaced early in 1977. Although Mei Lun Yuen, which means Garden of Beautiful Neighbors, would be only 140 units, and would make but a small dent in the housing shortage in Chinatown, numerous lawsuits stymied it. Three Nob Hill groups, residents of apartments on the block overlooking the site, opposed the project based on allegations of blocking views of the Bay, increased property taxes, and traffic, air, and noise pollution.

Although the site had been cleared, plans drawn and okayed, and financing provided, details such as a Conditional Use Permit for a commercial parking garage (insisted on by the man financing the project) on the property continued to delay the start of construction.

The HRC, as it had done all along, gave its podium to groups actively supporting this project, and re-affirmed its past support of the housing. However, it did not take a position on the issue of the controversy over the garage.

The City Planning Department approved the garage and in spite of last-minute legal maneuvers, the project is proceeding.

Legislation to Curb Redlining

Three pieces of state legislation, Senate Bills 3, 6, and 7, introduced by Senator Nate Holden early in 1977, were endorsed by the HRC as part of its continuing concern, with many others, about the practice of "redlining." It means that banks or loan institutions refuse business or residential purchase or repair loans or set special rates, in areas of cities considered to be poor risks. What it has come to mean in many cases is that redlining has become a growing form of racial and economic discrimination, whereby people living in impacted, poor, integrated, or marginal areas are unable to secure loans for their residences or their businesses and an effective stagnation occurs. Other forms of redlining were described to the HRC by its Housing Specialist, David Prowler as: discrimination in the quality and frequency of garbage or street-cleaning services; refusal of insurance

companies to provide coverage in certain neighborhoods; and discriminatory federal home loan policies. Representatives of the Mayor's Office, the City Planning Department, and the Office of Community Development, with HRC participation as well, were working during the year on a research project of the practice of redlining.

SB 3 (which failed) fought to provide applicants for mortgage loans within thirty days information on why a loan was denied; SB 6 (which failed) would have required banks (as well as savings and loan associations) to report specific information relating to housing loans; and SB 7 (which was passed and signed by the Governor) added to the Rumford Fair Housing Act the prohibition of "discrimination in financial institutions on the basis of race, color, religion, sex, marital status, national origin or ancestry, or due to the racial, ethnic, religious, or national origin composition of the neighborhood or geographic area surrounding a housing accommodation." These were measures in the State Senate.

Hastings Law School Building Threat to Housing

Hastings Law School's announcement of the acquisition of an entire City block and plans to demolish it for construction of a number of school facilities aroused considerable community resistance because of the displacement of 243 housing units, occupied principally by elderly, poor tenants. The HRC, its Housing Representative in the person of Don Hesse, was an active participant in a coalition (American Jewish Committee, YWCA, Glide Church, Seminar Center, etc.) of tenants, community social service agencies, and the San Francisco Neighborhood Legal Assistance Foundation that formed to try to work out with the school officials the most equitable resolution of this crisis.

The site for the expansion was, cruelly, ideally suited both for expansion of the Law School (adjacent immediately to its present buildings) and for low-income housing. It's close to commercial services, and the recreational facilities of the Civic Center; its units rented for from \$65-\$100 a unit (rates almost extinct in San Francisco's skyrocketing housing costs); it was the site for the Social Security Administration office, many of whose clients lived mostly conveniently nearby, etc.

Hastings' original plan to demolish the entire block was modified early on, and the school did acknowledge its obligation, as a state institution, to relocate tenants displaced. With this encouragement, the HRC in April adopted a resolution calling on the school to make every effort to avoid demolition (of housing units) and, if any must be demolished, that it provide comparable replacement housing on a unit-for-unit basis.

By late summer, Hastings had agreed to rehabilitate 16 units on the site in a building not to be demolished and give first priority in them to tenants to be displaced. Two other hotels were given a year's grace from being demolished. Also to be worked out were the status of hotels after people were moved out, Hastings' rental policies, its financial obligations for persons displaced (rent subsidies), tracing of persons displaced, etc. Demolishment of the nonresidential part of the block was to begin in early 1978.

Endorsement of SB 359 Re: Nondiscrimination Against Children

It was appropriate that the HRC, which had been an integral part of the community activity in San Francisco which led to the adoption of a City Ordinance prohibiting discrimination against children by renters or lessors of property, should be a supporter of State Senate Bill 359, introduced by Senators David Roberti and Peter Behr. The HRC had input even during the bill's preparation. It would have amended the Unruh Act, rather than the Rumford Fair Housing Act, which is the responsibility of the State Fair Employment Practice Commission. Under SB 359, individuals would bring complaints through attorneys for redress. It covered all housing in the state and would have exempted housing set aside for retirees and the elderly and mobile homes as well. The language was identical to the San Francisco Fair Housing for Children ordinance. This measure was not passed, however.

Endorsement of SB 610 Re: Expanding Rumford Housing Act

It was felt by the HRC's Housing and Urban Development Committee that several weaknesses in the state fair housing law prevent the Fair Employment Practice Commission from being as effective as it should be in eliminating discrimination. For example, it provides only the categories of "publically-assisted" housing, "multiple dwellings," etc.

SB 610 would have extended the prohibitions of the fair housing law to all housing accommodations. It permitted the

FEPC to take such actions as requiring rental of a dwelling (in question) to the aggrieved persons and payment of damages. It permitted a complainant to file with the FEPC without waiving any other rights he/she might have. And it provided authority for the FEPC to initiate investigations, to assist local fair housing organizations, and to engage in other affirmative actions to promote equal access to housing.

The HRC endorsed SB 610, and it passed and became effective on January 1, 1978.

Opposition to AB 933: State Pre-emption of Local Tenant/Landlord Relations

The bill would have declared the Legislature's intention to occupy the entire field of regulation of landlord-tenant relations to the exclusion of local regulation, thus preempting any local legislation in the field, e.g., San Francisco and its law prohibiting (rental) discrimination against children.

The HRC's formal opposition to AB 933 was with the admonition that the "State Legislature demonstrate its interest and ability to pass equitable and effective laws in the area of tenant/landlord relations."

AB 933 died in Committee.

Support of Tenants in Nohanmachi (Japantown)

Strong objections to eviction, building rehabilitation, and other policies of the Redevelopment Agency in the Western Addition A-2 Project Area (the former Japantown or Nihonmachi) centered in the Spring of 1977 on three structures, located on Buchanan and Sutter streets. The three were owned by the Agency, which sought originally to demolish the properties. Tenants in them, assisted by the Coalition to Support Nohonmach Tenants, strongly resisted efforts to remove them. There was a series of court rulings, public demonstrations, with effective resistance on both sides.

After a presentation at the HRC which included officials from the Redevelopment Agency as well as the legal counsel for the tenants, and on recommendation of the Housing

Committee, the HRC voted to urge that the Redevelopment Agency take a number of specific steps (repair safety conditions in the three buildings, stop evictions legally, cooperate with efforts by tenants to purchase the buildings) and explore long-range steps, such as land cost "write-downs," to try to maintain the buildings as low-income housing. The tenants are being relocated. One developer has promised to include some subsidized units.

Support for Conversion of YWCA to Elderly Housing

940 Powell, a handsome, brick structure long-familiar on Nob Hill, had been operated by the Young Women's Christian Association as a residence (for women only) for many years. In 1977, however, changing patterns in housing and the expenses of continuing in the old format led the YWCA to plan a conversion of the building. Its 169 units of housing (single rooms) would have no income maximums under the plan to convert to 89 units for elderly persons, providing cooking facilities in most all units. Public subsidies were difficult to obtain for only rooming facilities.

The HRC was just one of a number of City social agencies that endorsed this plan to convert a solid structure, located in the edge of Chinatown, into housing units for the elderly. The proposal received federal funds to permit conversion and it is being carried out.

Support of Rehabilitation Plan for Tenderloin

The City's Rehabilitation Assistance Program (RAP), started in 1972, made low-interest loans available to finance rehabilitation (in certain specified areas of the City) of buildings requiring correction of health, safety, or fire code violations. Until 1977, the program had operated in largely owner-occupied buildings in areas mostly middle-income or above. The Tenderloin (with a large population of poor, elderly, transient tenants of small hotels, many of them sub-standard) was, and is, another story and its consideration as a RAP-eligible area came about initially because the federal government would not grant money for more crime-control services there unless it were a RAP area. A City Planning Department study and public hearings led to a set of recommendations for the Tenderloin, including rent stabilization guidelines, since tenants in the area were fearful that rents would escalate when owners got loans to rehabilitate and repair. The

City's Planning Director came up with what he called "mandatory mitigation measures" to avoid the displacement of large numbers of poor and/or elderly tenants through renovations and rent increases. They included: subtracting tax savings from rehabilitation costs that can be passed on to tenants; maximizing the use of refinancing to reduce rent increases; and carefully scheduling code enforcement to avoid excessive and immediate negative impacts on the tenants.

The HRC's action, based on the Committee recommendations (the Committee had considered, but omitted including, a proposed "standby rent control" proposal from the Neighborhood Legal Assistance Foundation) was adoption of a resolution supporting the City Planning Director's recommendation to designate the Tenderloin in a RAP area, and urging Board of Supervisors' adoption of the program including the mandatory mitigation measures to limit rent increases.

The program is expected to begin in mid - 1978.

Report on Community Development Plan in the City

In order that all members of the HRC might have an understanding of how this program affects low-income housing, housing for the elderly, and other programs and social issues the HRC works with, David Prowler, the HRC Housing Specialist, made a detailed report on it.

Some \$26 million is made available to the City by the federal government each year, and the funds are to help meet four categories of needs: conservation of existing housing, development of new housing, improvement of neighborhood quality, and increasing economic development.

Prowler's report covered in detail, as noted, how current funding was allocated, and what programs (sewer and water, redevelopment, etc.) were covered and how they were administered.

POLICE LIAISON

Meeting with Police Community Relations/Citizens Safety Project

The new director of the Police Department's Police Community Relations Unit, Sgt. Henry Williams, came to the Committee for an in-depth discussion of the unit's composition and status. There had been some concerns because of newspaper stories about its future at the San Francisco Police Department. Sgt. Williams affirmed that the unit would remain with its complement of twelve members, and that it was focusing on developing unity between uniformed personnel, the unit, and the community. An emphasis on overcoming general "acceptance" of the unit by uniformed street patrolmen was announced. Officers specializing in Gay, Latino, Asian, and Black activities would also be "interchangeable" so they could assist in other areas. The major purposes for the PCR were outlined as: interpreting the role of the Police Department to community groups; developing programs designed to prevent crime; and in general supporting uniformed line forces by establishing a firm relationship between PCR, crime prevention personnel, and the community.

At this same meeting, the Committee heard from Henry Izumizaki, Coordinator of the Citizens Safety Project. The project, called SAFE (Safety Awareness For Everyone), was funded with \$342,000 of LEAA (Law Enforcement Assistance Act) federal funds, and \$34,000 in City monies. SAFE is designed to involve citizens in crime prevention with three major focal points:

- a. To reduce the opportunities for crime by organizing block club meetings to educate citizens on how to secure their homes without causing them to become traps and other crime-prevention training.
- b. Operation I.D., in which valuable property is etched with driver's license numbers.
- c. Neighborhood Involvement Planning for Services, in which citizens may expand their involvement from seeking improved police services to other kinds of services such as health and recreation.

As the year progressed, the SAFE operation expanded, with a spirited public relations campaign to get community involvement through the block clubs. The purpose continued to be educating and training citizens in crime prevention, in contrast to the Police/Federal Bureau of Investigation program announced earlier which emphasizes citizen's providing of information to law enforcement authorities to help in the apprehension and arrest of criminals.

Recommendation on Hiring of Bilingual Police Officers

The San Francisco Police Department force in early 1977 numbered in total some 1,700 police officers, only eight of which (or less than 0.5%) were Chinese. At the Central Station (based in Chinatown-North Beach) there was no Chinese officer on the 8 a.m. to 4 p.m. shift, only one between 4 p.m. and 12 a.m., and two from 12 a.m. to 8 p.m. On the day shift in the Richmond Station

there was no Chinese officer, with one from 4 p.m. to 12 a.m. and none from 12 a.m. to 8 a.m.

In response to heavy Chinese community advocacy of a correction of this representation, the Committee recommended and the Human Rights Commission passed a Resolution Recommending Hiring of Bilingual Police Officers and Urging Law Enforcement Assistance Administration (LEAA) Hearings on Police Services in San Francisco. It was pointed out that Chinese represented 25% of the total residents in the Richmond District, but still there was only one Chinese police officer. The Resolution called on the Police Commission, the Civil Service Commission, and the Mayor's Office to establish selection procedures so that bilingual AND bicultural officers could be hired to cover patrol and dispatch positions in both Chinatown and the Richmond district. The Human Rights Commission called also for hearings on the needs of all linguistic and ethnic minority communities of the City.

White Panther Party

This rather small but vocal group based in the Haight-Ashbury neighborhood, and functioning as a political organization, persisted in 1977, as it did in 1976, in pressing its demands for redress regarding a police confrontation dating back to 1974 that resulted in the arrest, conviction, and imprisonment of two of the White Panther members.

At the end of 1976, the Human Rights Commission staff had been asked by the full Commission to assist, if requested, members of the White Panther Party to frame specific allegations pertaining to the 1974 incident in respect to activities of members of the Police, as well as the Fire and Recreation and Parks departments. This was the outgrowth of an attempt by the White Panther Party to get the Police Commission to conduct an investigation of the 1974 incident. The Police Commission tabled the idea of an investigation.

A letter had been written by Mayor Moscone to the California Adult Authority concerning the two men, Tom Stevens and Terry Phillips, whose parole the White Panther Party was ardently advocating.

In mid-1977, the Police Liaison Committee made a detailed report to the full Human Rights Commission on this parole issue. It had been under great urging from the White Panther Party to recommend official Human Rights Commission endorsement of a letter-writing campaign for the "immediate release" of Stevens and Phillips. It did not so recommend, but stated the Human Rights Commission's concern with minimizing intergroup tensions. Further, the Committee said that, "We have no reason to take issue (with the Moscone letter)...we believe that the immediate release of Stevens and Phillips on parole will not present an unreasonable risk of danger... and should help to minimize intergroup tensions..."

The Legal Department of the San Francisco Police Department, the District Attorney's Office, and the Public Defender's Office were informed of the Committee's recommendation. The Human Rights Commission voted to send the full Committee report, which it formally adopted, to the chairperson of the California Adult Authority. (Tom Stevens and Terry Phillips were subsequently paroled).

"Hot Pursuit" Hearing Support

Another issue brought to the Human Rights Commission by the White Panther Party was a scheduled public hearing by the Police Commission on guidelines for hot pursuit-----a term for police chases which entail entering private premises without warrants.

The White Panthers had insisted on adding to the Committee's recommended resolution of support for this hearing the endorsement of a restriction of hot pursuit entries without warrants to "chasing suspects in violent crimes only." The Human Rights Commission refused to do this, but, in adopting its resolution, voted that a representative of the Human Rights Commission be present at the Police Commission hearing to emphasize its position; a concern for the protection of the human rights of all citizens.

The Human Rights Commission's formal resolution read:

"The Human Rights Commission commends the Police Commission for scheduling a public discussion for August 17, 1977 on guidelines for hot pursuit. It is hoped that the input from the community and the dialogue between and the Police Department will result in a clear understanding of what the community can expect of the Police Department in hot pursuit situations."

S O C I A L P R O G R A M S

Endorsement of Apprenticeship Training Program

This program, called formally "Apprenticeships in Political Leadership Training Program," was devised in the office of State Assemblyman Art Agnos. It was designed to provide technical training in public service for six representatives of social, racial, and ethnic minority and women whose populations are not represented equitably among public officials or in legislative bodies. It was to be funded by private grants solely. The program would run for two years, and apprentices would receive full-time salaries. The University of California was to be asked to be fiscal agent, and a community board would be named.

The HRC endorsed this program, and funds were being actively sought by Assemblyman Agnos' office at year's end.

Concerns Regarding Proposed "Asian-Pacific Islander" Census Category

There was extensive HRC discussion after Committee consideration of the concerns of several ethnic communities about the format of Item #4 on the Census Bureau questionnaire proposed for the 1980 Census. This would lump together under "Asian and Pacific Islander" Chinese, Japanese, Filipino, Korean, Samoan, Hawaiian, and other Asian peoples. There were concerns that many first and second-generation persons in the U.S. do not think of themselves as Asian and would not write in their self-identification, or, if they did so, the retrieval expense of this information would be so prohibitive that the categories would not be counted. The very real adverse effect would be, since the share of federal, state, and local social programs is based in virtually all instances on these breakdowns, that these ethnic groups would suffer in the allotment of funds.

The Social Programs Committee wrote the Census Bureau, both in Washington and in Oakland, urging:

1. That the Asian-Pacific Islander category be dropped.
2. That the disputed item, Item #4 of the proposed 1980 Census questionnaire, be expanded to include, specifically, Chinese, Japanese, Filipino, Korean, Samoan, and Hawaiian. The Committee also wrote that the Census Bureau should be cognizant of the rising numbers of Indians, Afghanistani, and Pakistani.

The HRC held a community conference back in 1974 to gather suggestions from various groups in preparation for the 1980 Census, and it remains sensitive to the content and methodology of the Census operation.

Community Committee for Continuing Education Against Naziism

A series of violent incidents took place in San Francisco in the Spring of 1977 when a Nazi group (the National Socialist White People's Party) opened a bookstore in the Sunset District near a synagogue. After heavy media coverage, after the synagogue was stoned, and after it was revealed that the owner of the store building was a survivor of Nazi concentration camps, a group attacked the store and burned its stock of anti-Semitic books and materials.

Shortly after these incidents, the Conference on Race, Religion, and Social Concerns called the founding meeting of the Community Committee and the HRC was represented. A public and media education program to take place in schools, churches, and through mass media programs, free speech messages, public service announcements, etc., was drawn up.

HRC Chairperson Mezey and Commissioner Sylvester Herring were active in the Community Committee, which, during the year, carried out a number of public education activities, including a City Hall display of art works and poetry produced by children before their deaths in Nazi concentration camps.

Legislation Endorsements

Through the Social Programs Committee a number of bills were endorsed by the HRC in 1977, including:

AB 803, introduced by Assemblyman Willie Brown, to ban discrimination in state-funded programs, and requiring state agencies to take action themselves (through their civil rights officers) in initiating investigations, making findings, and bringing charges of discrimination. This measure was passed and was signed by the Governor.

AB 857, introduced by Assemblyman Art Agnos, sought to protect language minorities from discriminatory practices of insurance companies, which either charge higher rates to non-English-speaking persons, or refuse to accept their applications for insurance coverage. The bill sought to add the category "language" to race, color, religion, national origin, or ancestry to the non-discriminatory protections already part of the Insurance Code. This measure passed the Legislature and was signed into the law by Governor Brown in September.

AB 1417, also introduced by Agnos, would provide, for the first time, state funding for voter registration drives in language minority communities. It would require that county registrars make efforts to reach and register the limited and non-English-speaking people. This was in line with previous policy of the HRC favoring increased voter-registration and the facilitating of voting by limited or non-English-speaking persons. This measure was still pending at year's end.

SB 170, introduced by Senators Roberti and Carpenter, was a bipartisan effort on the right of privacy on the state level. It was the third attempt to respond to a ballot measure passed in 1972, and was modeled on the Federal Privacy Act of 1974 to extend to Californians the same protection against state governmental intrusion into their private lives that they had from the federal government. The Governor had vetoed such a bill twice before. SB 170 had widespread support editorially throughout the state. This bill did pass, and the Governor signed it.

Y O U T H A N D E D U C A T I O N



School Suspensions

Following up on its School Suspension Report (covering 1974-1975) made in 1976 by Pam Lee, a CETA Specialist in Community Liaison, the Human Rights Commission met with the Superintendent of Schools early in 1977 to review its recommendations, including the establishment of a task force on suspensions. The District staff responded with a recommendation that a Guidance Task Force be set up, and said that four (of the HRC's original seven) recommendations could be carried out: proposed alternatives to suspensions; evaluation in terms of effectiveness in changing behavior for the student suspended and for the teacher or administrator suspending; advocacy of grievance procedures at the school site; and the addition (to HRC recommendations for a makeup of persons broadly-based) of representatives from the District Pupil Service Department, Special Education, administrative, and teacher organizations. The Human Rights Commission's position in light of these District steps was mixed. It noted that the most significant omissions were relative to investigation, of identifying certificated staff especially effective in working with students, reactivation of a City-wide Council, and dissemination of the work of a task force on suspensions.

The Human Rights Commission reacted formally by notifying the District that:

1. It objected to the working "Guidance Task Force," which potentially could put suspensions "...on the back burner while it concentrates on other matters."
2. It was requesting again an investigation of reasons for disruptive behavior.
3. It requested that the persons from the District Staff recommended by the Associate Superintendent for Instructional Services as members of a task force have only resource functions, and not regular voting membership.

The Human Rights Commission views were presented to the Board of Education and they elicited a lively response from its members and from the community. The Human Rights Commission report was circulated widely, and the Associate Superintendent was asked to proceed with the investigation of suspension policies and procedures. A number of meetings were scheduled throughout the District. Concerns of the Human Rights Commission about the Task Force were largely resolved by late February and there remained only the monitoring of the implementation.

The Task Force as set up included approximately 30 people, including teachers, counselors, head counselors, assistant principals, area supervisors, pupil personnel workers, Central Office staff, community representatives, and students. Gail Roberts, staff for the Youth & Education Committee, was the Human Rights Commission's representative. Its first progress report was submitted to the

Board on April 12th, and workshop schedules through May were set. Two consultants with expertise in adolescent social work and counseling were hired to help the Task Force develop recommendations to the Board in response to the Human Rights Commission report. In June the Task Force report was ready, and the Human Rights Commission urged that copies be widely circulated for the public and that any action by the full Board be held up until there had been public discussion. These discussions were held in the Fall. The report had included substantial changes in procedure, by providing for a very careful review process, with a school being required to document that all other alternatives had been tried before a suspension took place.

In late October, the Youth & Education Committee sent the District eight specific concerns it had about the Associate Superintendent's report on the recommendations for reduction and elimination of suspensions. The concerns were to wordings and/or inclusions in points of the report. The Human Rights Commission pointed out that there was no reference to increasing the availability of support services, or a budget estimate, and it recommended that every secondary school have an ombudsman as a youth advocate.

Major changes in suspensions resulted, including the prohibition against suspension of elementary school students. The District's priority regarding discipline has been altered substantially. The suspension of Black students have been greatly reduced and the use of alternatives to schools has been expanded. One such alternative is the Counseling/Education Centers.

Counseling/Educational Centers/HRC Concerns

These Centers will be designated to provide assistance to four district areas for students who manifest distressing behavior problems and for those students who have difficulty relating. These centers will be used for temporary placement and in prevention/diversion of distressing behavior problems.

The Committee wrote to Dr. John Cleveland, Associate Superintendent, Office of Instruction, listing its specific concerns: combination of elementary and secondary students in the same centers; duplication of services; provision of bilingual services; assignment of students to the center nearest their home; assurance the centers will be integrated. Dr. Cleveland appeared before the Commission, at its request, and answered these concerns. The Human Rights Commission then endorsed the Counseling/Educational Centers with the provision that Dr. Cleveland be directly involved in implementation. These centers, one in each of the four administrative areas of the District, will begin operation for the 1978-79 school year as a part of the Educational redesign.

Meeting with New Board of Education Members

Election of several new members to the Board of Education precipitated a meeting of the Human Rights Commissioner and staff to discuss a number of the Human Rights Commission concerns. They discussed

positions on early adoption of the District budget, participation of community representatives in interviews to fill new District posts, the concept of magnet schools, the concept of evaluation in retention of teachers, and the limited alternatives to suspensions presently available.

Bilingual Education 1975-1976 Report

This, too, is an annual review, in depth, of programs for non and limited-English-speaking students in the San Francisco Unified School District. The Human Rights Commission has been involved in this issue for ten years, and its statistics were the basis of the landmark *Lau v. Nichols* decision by U.S. Supreme Court requiring English language assistance in the public schools. The Human Rights Commission continues to urge establishment of language assistance programs for all non and limited-English-speaking students.

Med Claveria, a CETA employee of the Human Rights Commission doing community liaison with the Pilipino Community, submitted his report in early 1977. He compared the total of 13,353 students (12,066 limited and 1,287 non English-speaking) identified in these categories. In March 1976, an update showed the actual students in classes at 8,952. In the previous (1974-1975 school year) report, 9,315 students in the District were identified as non or limited-English-speaking (Chinese 36.4%; Spanish 26.3%; Filipino 5.6%; Korean 3.2%; Japanese 1.2%; Samoan 2.2%; Other Whites 3.2%; and Other Non-Whites .2%).

Mr. Claveria also reported in the Board of Education's responses to the Human Rights Commission's specific recommendations on bilingual/bicultural education, finding that it had achieved much in its followup. For example:

1. A validation check was being devised on the identification (of children needing language assistance) made by teachers, counselors, and resource teachers.
2. A survey was made of those in need, but not being served.
3. An evaluation procedure of the Bilingual program was used.
4. There was in-service training.

Mr. Claveria also reported on a number of interesting statistics:

1. In November of 1975, 844 students were identified as needing help but not in either English-as-a-Second Language (ESL) or Bilingual classes, but by March, 1976, 80% of the 844 were receiving assistance. He reported that in the year he studied there had been improvements in both budgeting allotments and personnel for the Bilingual Education Program. There were Chinese, Spanish, Filipino, Vietnamese, and Korean teachers and support staff and aides. The budget total for 1975-1976 was \$5,838,678, up \$1,319,619 from the previous school year.

In summary, Mr. Claveria stated that the Bilingual/Bicultural Program in the District had improved in many phases such as:

increased effort on identification of non and limited-English-speaking but not in programs; inservice training for teachers; and improved cooperation of all segments of the District to identify students needing help.

The Human Rights Commission report lauded the efforts of the District staff to meet the goals of: reduction of the disparity of learning achievement, elimination of minority isolation and inter-ethnic tension, and the promotion of multicultural understanding.

Commission discussion of this report was extensive, and resulted in the addition of a number of recommendations to those the Youth & Education Committee had made. The Human Rights Commission's final seven recommendations were concerned with: testing methods other than teacher opinion surveys for identifying children in need; breakdowns by school, grade level, and ethnic composition of students served directly or indirectly by programs; evaluation of student progress; surveys of language needs of those not being served; etc.

School Leavers in the 1975-1976 School Year

This was the second year that the Human Rights Commission had done a survey of that category of students the District calls "school leavers". In 1977, Luis Escobar was the Human Rights Commission Latino Community Liaison worker who compiled and presented this study. Again, the aim was to try to find the cause or causes of drop-outs, the numbers of them, and where they occur. Most school leavers are not, in fact, drop-outs. They finish school and transfer to another school. No study of a possible correlation between suspensions and drop-out rates had been undertaken.

There are nine separate categories of school leavers, including those who reached 18, enlisted in the military, married, were expelled, did not graduate, were truants, left without transfers, were exempted, or took full-time employment.

Based on District Division of Research figures, Mr. Escobar's report showed that out of cumulative high school enrollment (in the 1975-1976 School Year) of 20,732, 1,148 were categorized as school leavers, or 5.5% left the District with a transfer, for reasons unknown. No students were expelled.

The senior high school "school leaver" range was from 16.7% in one school, to 0.3% at another. Spanish-speaking/Spanish surnamed students had the highest rate (9.4%), followed by American Indians (9.3%), Blacks (6.8%), and other Non-Whites (6%).

Escobar compiled many tables of statistics, showing breakdowns by numbers, percentages, and ethnic enrollment data for all senior high schools, and there were comparative figures as well.

There was vigorous comment from various Commissioners on Mr. Escobar's report (whose recommendations called for a number of School District studies on the school-leaver problems) regarding the need for pressure for the District to take action or make changes, rather than study changes, and the Human Rights Commission was urged officially to determine the degree of effectiveness of its recommendations on the School District's actions.

The six recommendations adopted by the Human Rights Commission were that the District:

1. Undertake studies of correlations between suspension and school leaver rates; explore reasons for the high incidence of Black, Other White, and Spanish-speaking school leavers; and determine followup on those who leave without a transfer.
2. Keep cumulative statistics on school leavers for each graduating class.
3. Extend the "reasons unknown" category of leavers to include students who "drop from sight."
4. Keep statistics on the transiency rate in junior highs.
5. Classify its racial/ethnic survey of pupils by male and female.
6. Encourage educational alternatives to reduce drop-out rates.

Juvenile Court Study: Report and Recommendations

The work of Emmett Rosebrough, Human Rights Commission Community Liaison Worker, and a student intern, Jerry Peters, this study dated back to the initial research done by Stan Abe for the Human Rights Commission in 1972. Mr. Abe's report was in the nature of a staff investigation of juvenile detention facilities utilized by the Juvenile Court in response to charges of racial discrimination made about placement policies and the institutions utilized. A 1976 Grand Jury report critical of these placement policies and the institutions where juveniles were placed (both private and public) coupled with the request of Joseph Botka, Chief Probation Officer of the Juvenile Court, renewed the Human Rights Commission's involvement in this issue. There were four guidelines in the original and continuing studies:

1. Determining whether individual or institutional racial discrimination exists in the Juvenile Court system:
2. Identifying problem areas in the Court system, if any, relating to racial discrimination.
3. Interviewing a wide range of participants in the Court system on the issue of racial discrimination.
4. Developing (if necessary) a comprehensive package of proposals covering the problem areas in the Court system relating to racial discrimination.

Recommendations by the Rosebrough/Peters study were concerned with:

1. Study by Human Rights Commission staff of all diversion score sheets (filled out by police officers when questioning juveniles) for determination of the correlation between sex and race identification and what action was taken, e.g., admonished, dismissed, referred to a diversion project or cited/booked.

2. Police Liaison Committee examination of either the elimination of the process known as "charge bargaining" or the provision of a number of written safeguards and limitations to it.
3. Implementation by the Juvenile Court, with the Human Rights Commission, of an affirmative action program for juvenile placement, with the goal of a more equitable distribution of juveniles along racial and ethnic lines between two City-owned ranch facilities and private out-of-home placement institutions.
4. Making use of placement institutions (private agencies, foster homes, community-based alternative programs and the two ranches) in the City and County a first priority.
5. Continued and expanded active encouragement, especially monetary support, and utilization of competent community-based alternative programs by the Court.
6. Regular participation, ensured by the Court, of minority people on the Screening Committee.
7. Writing of official policies and guidelines for place procedures.
8. Immediate reform in the racial makeup of the clientele of the two ranches (Log Cabin and Hidden Valley).

The above recommendations were adopted formally by the Human Rights Commission and forwarded to the Juvenile Court. Four additional ones were proposed and, though not formally adopted, continued on the agenda of the Employment Committee. They were:

1. That the Juvenile Court, with the cooperation of the Civil Service Commission and the Human Rights Commission, recruit and hire additional tenured, fulltime, bilingual Probation Officers,
2. That the Court, the Human Rights Commission, and the Civil Service Commission enter into a joint agreement to develop and implement an Affirmative Action Program in hiring for the Juvenile Court.
3. That the Court and the Human Rights Commission implement a joint Affirmative Action Program with each of the private placement institutions.
4. That a private placement institution's responsibility to provide information concerning employment practices and to comply with the Affirmative Action Program in relation to the Human Rights Commission be stated explicitly on the contract page signed by the Court and the institution.

The Rosebrough/Peters report also included statistical tables (obtained from questionnaires they sent out and compiled) on the numbers and ethnic identification of youth in private placement institutions, comparisons, and a racial breakdown of employees in both private placement institutions and the City Probation Department staff.

Filipino Education Center Feasibility Study

This report, the first of its kind undertaken by Human Rights Commission staff, was the achievement of Med Claveria, Human Rights Commission Community Liaison with the Filipino community. It was subtitled as a study of the feasibility of making longitudinal evaluation of students.

A longitudinal evaluation is a study covering a specific period of time, i.e., 1972-1977. The two main aspects were: 1) to determine the availability of information on the students; and 2) to record the students' achievement test scores and the programs in which they were enrolled during a several-year period. At the time of this report, there was no measurement of program effectiveness of the Filipino Education Center by the School District, Mr. Claveria found.

The Filipino Center was established May 1, 1972, offering a receiving program for new immigration children in San Francisco. There are also Chinese and Mission (Spanish) Education Centers. Their services include family reception and referral, education screening and placement, a full curriculum designed for non English-speaking newcomers, orientation to community services and resources, and, when possible, content support instruction in the students' native language. The centers provide a gradual transition prior to mainstreaming the students. A student enrolled at one of the centers can remain and undergo training for six months or less; however, if necessary, this may be extended to 12 months. At the completion of training, the student is assigned to a school with either a Bilingual or ESL (English-as-a-Second-Language) program.

Mr. Claveria's study specifically of the Filipino Education Center revealed its particular procedures. The class program is based on the regular District curriculum, and includes developing oral and written English proficiency, assessment of the educational, health and social services needs of the child and family, and provision of referral services. The FEC aims at developing the student's optimum growth in basic personal, social, and academic skills needed to adapt in school, community and city. The Center also aims at respecting the student's cultural heritage, especially the first language, and to enable him/her to acquire English as a second language in order to communicate with others and proceed normally with classroom work, and adapt to the new environment. The Center's program components include screening, classroom programs, curriculum development, teacher training, and parent-community participation.

From 1972 through the 1977 school year, the Center enrolled 843 elementary students (an average of about 200 a year), and screened 263 secondary students, for a total of 1,106. It was this basic data, such as demographic information and student achievement scores, that could serve as the starting point, Mr. Claveria reported, for a longitudinal study of students.

Impeding any measurement of the Center's effectiveness by the duration of the student's stay in the program was the Court-ordered regulation that no student could remain longer than twelve months.

Mr. Claveria dealt with effectiveness measurement by trying to trace performance after children left the Center for assignment to regular schools. He found that students are supposed to be referred back if problems arise with coping with all-English curriculum, and he emphasized Center need to assess the needs of the students during their stay, and their correlation with goals and objective implemented overall. His ultimate finding was that the longitudinal study of the means of evaluating the effectiveness of the Center's program be pursued.

Proposal For Artistically-Gifted Pupils

This proposal was prepared by Leonard Fitzpatrick, a longtime member of the Youth & Education Committee, Assistant Superintendent of the City's Recreation and Park Department, and formerly Music Supervisor of that department.

In the absence of funds for instruction of identified artistically-gifted youth in California, as there are for academically-gifted, Mr. Fitzpatrick's proposal, adopted by the Youth & Education Committee and then the full Human Rights Commission, contained these determinations:

- That the Human Rights Commission approve a program to investigate what general interest exists in the artistic community of the City for urging legislative action to fund artistically-gifted young people.

- That the Human Rights Commission solicit a local college intern to survey artistic organizations for this purpose, in addition to contacting local music schools, musical organizations, drama and dance organizations, professional artistic organizations, museums, unions, school districts, etc., to develop the broadest possible view of the needs for aid to artistically-gifted youth. Later in 1977, the Committee heard the Supervisors of the District's Creative and Performing Arts Department discuss efforts to expand its program. The goal of Committee and community was to get expansion of the definition of "gifted" in staff legislation to include artistically as well as academically so funds could go to both groups.

Programs for the Gifted

The Human Rights Commission's insistence (with others) that participation of all children in opportunities for programs for the gifted as a human right has been one of the factors in widening the enrollment of more minority children. Other objections were to testing methods used, and to the validity of intelligence tests. More data on the operation of the MGM program was requested, and this and preceding points of view were passed on to the School District staff through the Youth & Education Committee.

Spanish Bilingual and ESL Program-Recommendations and Study

This was the counterpart to the study of Filipino Education Center that Med Claveria made during 1977, and it, too, had the title of "Feasibility Study of Longitudinal Evaluation of Spanish Bilingual and ESL Programs and Adoption of Recommendations."

This work was done by Manuel Chaffo, a graduate student intern with the Human Rights Commission from San Francisco State University. His study objectives were to ascertain:

1. The number of elementary second and third-grade students enrolled in the 1971-72 Spanish Bilingual Program.
2. The number of students who left school and those who attended school in the Fall of 1976, and
3. The availability of student test data.

The data Mr. Chaffo reported on, he noted, revealed that there was no possibility of doing an indepth study because of lack of available records. This led to the following recommendations:

1. The San Francisco Unified School District was urged to maintain readily-accessible, current information data on students throughout their school achievement, and
2. The District was urged to retain records on file for a period of no less than five years for the nonactive students.

Ethnic Identification Forms for District Pupils

The Human Rights Commission's concerns about the format of the District's racial/ethnic information solicitation letter resulted in incorporation of its recommended changes in the Spring of 1977. The District also added the categories of Arab, Cambodian, Samoan, and Vietnamese at the Human Rights Commission's request, in addition to Spanish-Origin, Other White, American Indian, Black/Negro, Chinese, Filipino, Japanese and Korean. Parents were asked to designate how they wished their children to be identified, or they had the opinion of not having the child identified as from a specific racial/ethnic group.

Revised guidelines for the racial/ethnic survey forms for students and employees of the District also were prepared in response to Human Rights Commission concerns. Racial/ethnic data on employees is not included in information provided by the Electronic Data Processing unit unless specifically requested by authorized personnel. Such information on District students is treated as confidential, and not included on EDPC information either, unless requested by persons authorized to do so. Only the principal or a designee at the student's school has access to this information.

Multicultural Educational Concerns

On this subject the Human Rights Commission has, of course, been long active as an advocate for School District follow-through on providing education stressing the importance of understanding and appreciating the unique characteristics and contributions of diverse ethnic groups, including Black, Chinese, Filipino, Japanese, Latino, Native American, and Samoan. In mid-1977, the Human Rights Commission heard corroborated reports of continued inter-group tensions between racial and ethnic groups in the City's public schools, and it was termed "imperative" that the District address itself to these problems.

The Human Rights Commission recalled the Board of Education's 1973 resolution calling for implementation of a multicultural education policy, with guidelines and a "precise timetable" including the requesting of necessary funding and bimonthly reports. Members of the Youth & Education Committee met with students from junior high schools and learned that there were still intra-school divisions, not only by peer groups, but by racial groups. The Human Rights Commission underlined the need for updating and especially regular, periodic reporting on District actions to reduce these tensions through its multicultural program. The Human Rights Commission continued its pressure throughout 1977 to get implementation, curriculum design, and regular monitoring and reporting.

Health and Family Life Education

Proposals that the School District move on expansion of its curriculum in the area of health and lifestyles during the year resulted in the establishment of an Advisory Committee on Health and Family Life Education, a move supported formally by the Human Rights Commission. Components of this program, many recommended, were to include information on both heterosexual and homosexual preferences. This provoked widespread press and community reaction. The Human Rights Commission's support resolution stated that the Board's committee should review and recommend revisions in the District's Preliminary Guide to Health and Family Education to "accurately reflect gay lifestyles and to develop family life curriculum "to... reflect...respect for human diversities and complexities."

HRC Response to Grand Jury Report on Youth Guidance Center

The 1976 Grand Jury Report on the Juvenile Court's Youth Guidance Center was strongly critical of policies ("institutional racism") affecting personnel, placement of youth, assignment by the Court, etc., and this led to an Human Rights Commission study in depth of these and other factors. The report was done by Emmett Rosebrough, of the Human Rights Commission CETA staff, and student interns David Hodges and Jerry Peters from the Westmont College Urban Program.

The Human Rights Commission's statistical compilation showed: the racial composition, by job titles, with numbers and percentages of the whole, for the Juvenile Probation Department and Hall staff; the racial breakdown of San Francisco youth by location of private placement institution; the total number of youth in private placement institutions used by the Department of Social Service and the Juvenile Court; the Log Cabin Ranch racial makeup of clients and staff; and, finally, the record of the 78 placement institutions which as of April 21, 1977, had returned the questionnaires the Human Rights Commission sent out. Of the 101 placement institutions to which questionnaires were sent, then, 77% (78) responded.

The Grand Jury's report had been largely concentrated on six aspects of the picture. The Human Rights Commission report noted that the conflict between public agency resources and community based organizations revolved around criticisms from the latter

that the predominantly White employees of the Youth Guidance Center, and Hidden Valley and Log Cabin Ranches did not understand the problems of the minority and poor communities. The Human Rights Commission maintained that these juveniles (minority) should be handled in their own communities, and Mr. Rosebrough stated, "Many of the facilities in San Francisco (26) are not being fully utilized." Thus the Human Rights Commission reiterated its 1972 recommendation that placement be on a first-priority basis within the City and County, with institutions within fifty miles of the City as second priority.

Addressing the direct problem of "institutional racism" charges against Log Cabin Ranch, the Human Rights Commission noted that the Grand Jury had found that of 86 boys ordered to spend time (up to six months or more) 84, or 98% were black. Mr. Rosebrough held that the fault (for the Grand Jury's finding) lay largely with the fact that administrative and management staff of this ranch, Hidden Valley, and the Youth Guidance Center, was overwhelmingly White. He reported that although White youth make up 30% of juveniles arrested in the City for serious or violent crimes, White youth do not end up at Hidden Valley or Log Cabin in the same proportions as Blacks and other minorities.

The Human Rights Commission renewed its 1972 recommendation that the Youth Guidance Center, with Human Rights Commission help, implement (as a one-year trial) an affirmative action program for the placement of juveniles from the Court.

The Human Rights Commission scheduled follow-up meetings with the Juvenile Justice Commission to discuss its continuing concerns.

HRC Alcoholism Peer Counseling Project Final Report

The end of the 1976-77 fiscal year was the final period for this project, which began November 13, 1974, with funding through the Bureau of Alcoholism of the City's Department of Public Health, under provisions of State Senate Bill 204. Under the supervision of Jamie Williams, the project employed four high school students working as health aides part time. They dealt with students and faculty seniors high schools and San Francisco State University, establishing working relationships with other youth alcoholism prevention programs.

During 1976-1977, Ms. Williams reported in July, the staff continued to develop innovative materials and methods to provide information to youth on alcoholism to cause them to re-evaluate their feelings towards alcoholics and alcoholism and the use/abuse of alcohol. There was a bimonthly publication called the Bad Newsletter, Voices of Youth radio programs, classroom presentations, and values clarification games. The emphasis was on feelings and values about the alcoholic and alcoholism. Circulation of the Bad Newsletter increased this last year, because of changes in its distribution procedures and its lively offering of poems, essays, humor, and commentary. One health aide and some of her instructors

an on-campus alcoholism information and referral board, which also provided pamphlets giving facts about alcoholism and pamphlets indicating where youth could receive help from counseling agencies if alcohol was a problem in their personal or family lives.

Although the program ended with the close of the fiscal year, Mr. Williams reported that the staff hoped that the young people in City schools would not forget that the battle against the spread of alcoholism is not only for adults, but, because of its far-reaching effects, for youth as well.

HRC on District Affirmative Action Review Committee

Gail Roberts of the Human Rights Commission staff served on the District's Affirmative Action Review Committee. The Human Rights Commission was the only organization specified in the resolution to have an on-going representative. Because of the deep interest the Human Rights Commission had in this aspect of the District's work, Ms. Roberts' reports were made both to the Youth & Education and Employment committees. The School District, however, is not subject to the Human Rights Commission's 12B Nondiscrimination Ordinance covering City contractors.

Policy on Student Discipline/Corporal Punishment Ban

Moving before Board of Education adoption of a proposed Policy on Student Discipline, the Human Rights Commission, on recommendation of the Committee, requested that the proposed policy include a ban on corporal punishment and other provisions of the Students Rights and Responsibilities Manual. It asked also that the Board take no action until it could discuss its concerns on these and related matters of student discipline, punishment, role of parents and students vis-a-vis administrators and faculty, student-teacher relations, teacher aides, and parent advocates. The Human Rights Commission noted that the Rights and Responsibilities Manual (in the writing and adoption of which the Human Rights Commission had a major role) includes a ban on corporal punishment.

It was felt by many Commissioners that the Human Rights Commission needed to review the Rights and Responsibilities Manual against the background of a need to develop some new programs, on-site and with the SFUSD itself, in student-teacher relations.

Endorsement of AB530 Regarding Student Discipline

The HRC, at the same time as the above issue was on the boards, studied a bill proposed by Assemblyman Hart, a bill similar to one proposed in 1976 (but not passed) and endorsed by the Commission. AB 530 enumerated specific offenses which would be the exclusive causes for suspending or expelling of a pupil, and required that suspensions or be preceded by a conference. This bill was passed and signed into law by Governor Brown.

HRC Involvement in School District Employment Policies

The Youth & Education Committee was asked to review the HRC's construct

Principles for Affirmative Action in Public School Employment, adopted June 22, 1972, as part of its study of enhancing its involvement in the District's employment practices.

The Principles included the following elements:

1. Minority groups should receive special and preferred treatment with respect to:
 - a. active recruitment for hiring and promotion
 - b. special training for hiring and promotion
 - c. internships
2. Standards and tests should be carefully structured to avoid any irrelevant or cultural bias against minorities in hiring and promotion.
3. Quantitative measurement should be maintained in order to test the continued sincerity and effectiveness of the affirmative action program.
4. Actual hiring should be done on the basis of individual merit, against the background of the above affirmative action program.

The Human Rights Commission adopted a formal Resolution on the Involvement of the Human Rights Commission's Youth and Education Committee in the Employment Policies and Procedures of the San Francisco Unified School District.

The Resolution directed the Committee to "maintain its continued involvement" as well as to "pursue relevant problem areas as identified in the ongoing implementation of the affirmative action program" in the District.

Resolution Urging Overturn (by U.S. Supreme Court) of Bakke Decision

This was a volatile issue in California in 1977, and the Human Rights Commission's involvement came at a time when the U.S. Supreme Court was preparing to hear and rule on an appeal to the California Supreme Court's holding that the admission policies of the University of California Medical School operated discriminatively (reverse discrimination) to the disadvantage of a white student, Alan Bakke.

The Human Rights Commission discussion and action on the issue came at the request of the Coalition to Overturn the Bakke Decision. Both the Youth & Education and Employment Committees produced proposed resolutions for the Human Rights Commission. Both committee resolutions proposed that the Human Rights Commission join "other groups" in speaking against the California Supreme Court decision. The latter committee, in addition, held that the Bakke case issue in the public mind and media went beyond education and into

affirmative action in employment, and its resolution called for the U.S. Supreme Court "to remand the case to the California Supreme Court with the provision that the University of California develop an affirmative action program using goals, no quotas, and taking into consideration factors in addition to test scores and grade point averages." Commissioner Fine said that the (quoted section) proposed resolution was an attempt to offer the Supreme Court a means to avoid a "black-and-white" decision by asking the University to develop a different affirmative action program as specified.

Human Rights Commission adoption of the Resolution, with the above-cited section urging the U.S. Supreme Court to remand its decision and ask the University to develop a new affirmative action program, followed.

Commissioner Fine stated that it is one of the moral responsibilities of the Human Rights Commission to try to avoid the kinds of confrontations "...in which we ourselves, largely on the same side of the ideal and the issue, because of the conflicts involved, both individual and intergroup, with our own discussions and in our work in the community avoid that kind of atmosphere in which one groups is battling another group, or one group feels another group is its enemy." The Commissioner also reaffirmed the Human Rights Commission's responsibility, in issues where there are heated points of view, to avoid destructive conflict, and keep things at a level of intelligent discussion and the pursuit of legitimate interests.

Community Participation in Board Meetings

The facilitation of greater community participation was the object of a number of formal recommendations made to the President of the Board of Education by the Human Rights Commission in the Fall of 1977. Individual members of the Youth & Education committee met with individual members of the Board before formulating and sending seven specific recommendations. They were:

1. That the Board of Education agenda be available by the Friday preceding its regular meeting,
2. That the full agenda be taped on the District's public information recording equipment,
3. That established procedures be followed in the matter of speakers' cards,
4. That the message telephone 565-9515 be more widely distributed,
5. That items listed as first reading on the Board of Education agenda which might be granted emergency status be so noted on the agenda,
6. That all items listed as scheduled for action be voted upon unless specifically removed from the agenda by action of the Board, and
7. That items which appear to generate considerable interest be scheduled at a "time certain."

The Human Rights Commission asked also to be able to meet with the Goals, Rules, and Legislative Committee when discussion of internal Board operations and bylaws would be planned.

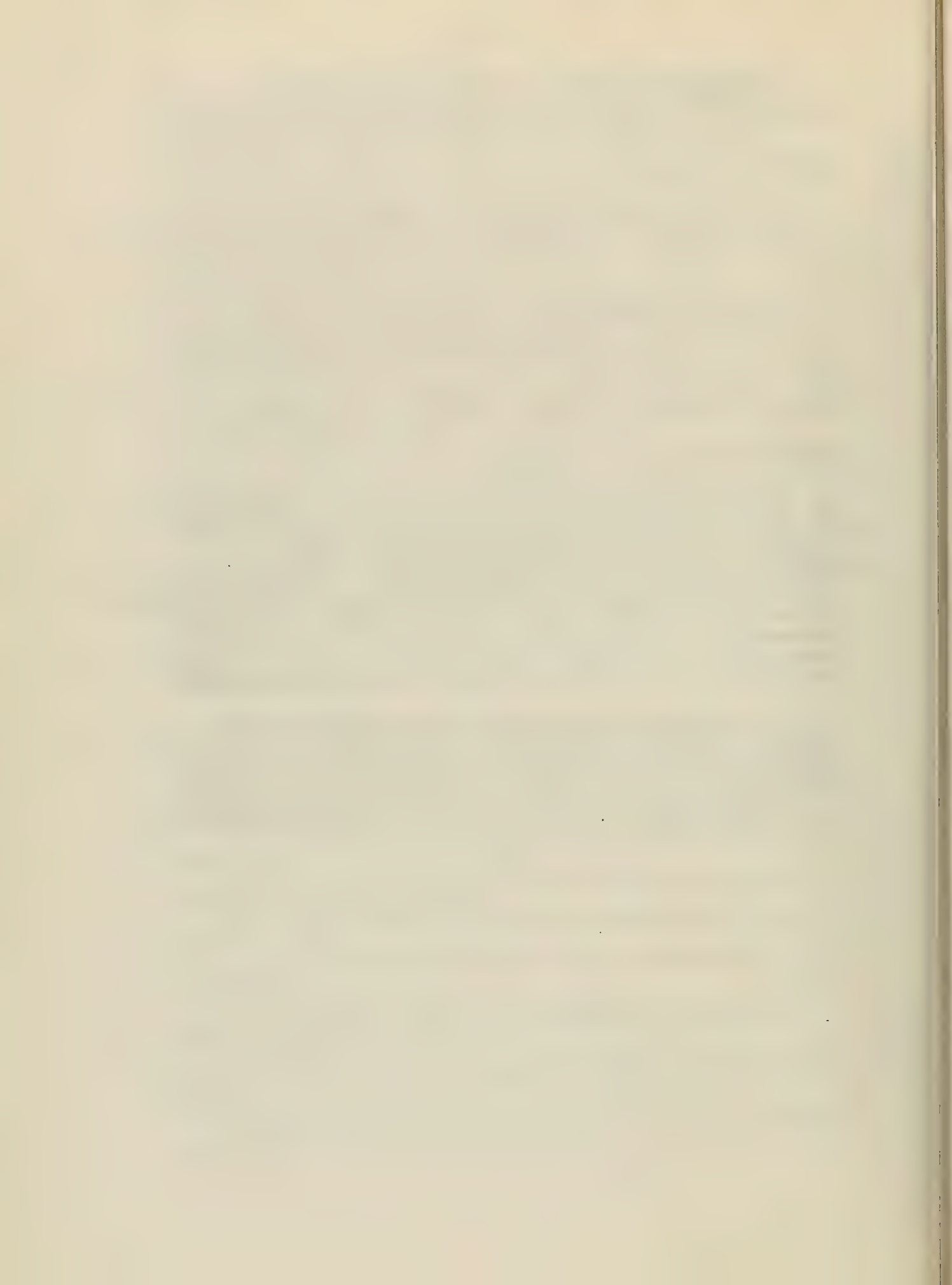
Flexible Scheduling

The Committee wrote to the Superintendent of Schools on this issue to outline its major concern: the denial of options regarding flexible scheduling to students for whom flexible scheduling is unsuited. The term "flexible scheduling" means that in some high schools in the City, where maximum use of space was needed in crowded circumstances, students did not remain at school throughout a class day, but had breaks of one or two hours, or took classes at later in the morning-to-afternoon class day. The Human Rights Commission worked with the District to try to grant an option to those families who wished their children to have the traditional scheduling to transfer to schools not on flexible scheduling.

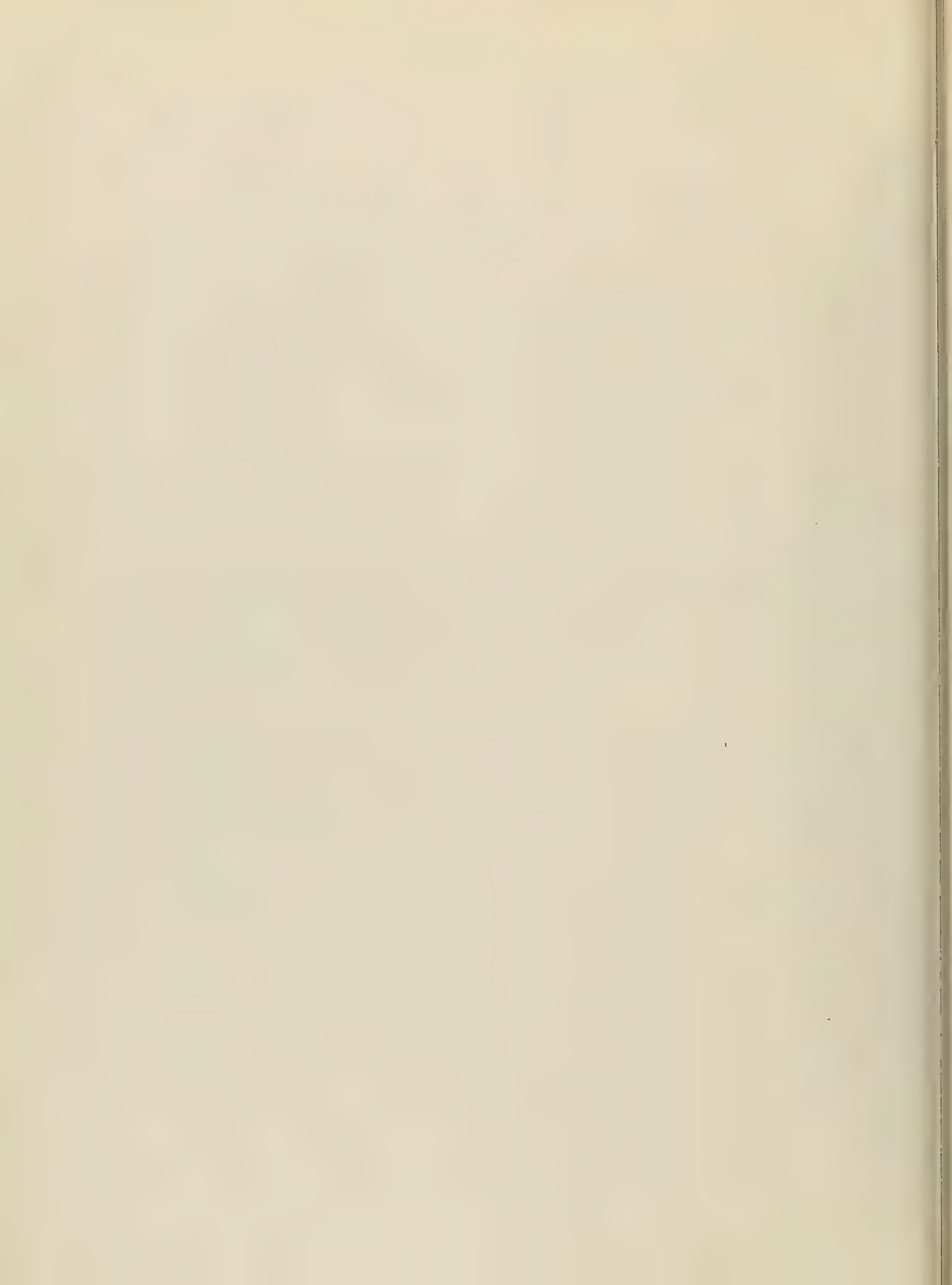
Administration of Adult Education

A dispute between the San Francisco Community College District and the San Francisco Unified School District over administrative functions of the City's adult education program required the Human Rights Commission attention and reaction at year's end. The SFUSD offers two kinds of special education: teacher in-service, and parent-effectiveness training, and it wished to have administrative control over them, despite the fact that since 1969 the Community College District had assumed the adult education function of the School District, which at one time directed all public education. At stake, of course, were some jobs in either of the Districts.

Both parties made presentations to the Committee, and it eventually recommended, and the Human Rights Commission adopted, a statement urging that the governing boards and staffs of each district work out the administrative function question together, to avoid duplication of programs and ensure long-range planning by the Community College District



REPORTS ON THE HRC ACTIVITIES
BY THE DIRECTOR



HRC Rulings, Hearings, Findings During Year

Activity by the Human Rights Commission in the area of processing and adjudicating complaints and disputes was perhaps greater in 1977 than in any time of its history. Carryovers from 1976 were such cases as Martin Johnson et al. v. Peter Kiewit Sons, where charges of discrimination were brought by Mr. Johnson and a group of minority truckers. Pride Foundation v. Pacific Telephone & Telegraph Company, a 1973 (originally) charge that the utility's policy in employment discriminated against hiring homosexuals. Though an Human Rights Commission Administrative Hearing Finding Order had in 1976 included the requirement that PT & T publish a policy stating it did not and would not discriminate in this manner, in 1977 the Human Rights Commission had to meet with the utility to clarify its position that the response was not adequate. PT & T was told again that the Human Rights Commission Order was:

1. That it state specifically that it would comply with Chapter 12B of the Administrative Code regarding sexual orientation, and
2. That it would outline the steps taken to publish this statement, including notifying union contract holders, employment departments, posting of the statement, and notification to the press.

Formal written re-statement of the Order was acknowledged by PT & T as satisfactory and its text was made public when a signed original copy was received by the Human Rights Commission.

Wharf Restaurants' Legal Challenge to HRC Monitoring Powers

Many months of resistance by the managements of those Fisherman's Wharf restaurants the Human Rights Commission had for years been monitoring for compliance with Chapter 12B, the Nondiscrimination Ordinance, culminated, in early 1977, in the filing of a lawsuit, (Alioto Fish Company et. al. v. HRC) seeking declaratory relief from complying with the Human Rights Commission workforce affirmative action reporting requirements. The Human Rights Commission was represented by Judith Teichman, of the City Attorney's Office, in this case which took many months to complete and involved many legal maneuvers. It was heard in State Superior Court in late summer. Judge Charles Peery ruled in the Fall with a declaratory judgement in favor of the Wharf restaurants to the effect that:

1. The State of California has pre-empted the field of employment discrimination and that local governments are thus enjoined from enacting their own versions of nondiscrimination in employment legislation.
2. That the pre-emptive effect of the state law extends only of leases, not to other types of contracts such as public works contracts; and
3. That the addendum to petitioners' leases (requiring them to provide regular reports on their workforce breakdown to the HRC) is null and void and of no application.

The Human Rights Commission's attorney promptly filed an appeal from this judgement and there the matter stood as 1977 came to an end.

Utilization of CETA Employees

Of the Human Rights Commission's working staff of 33 during 1977, 20 were CETA (Comprehensive Employment and Training Act) employees, whose jobs were temporary in the sense that they were funded annually by the federal government grants to the City. Their salaries were far less than regular Civil Service employees, and they had few of the benefits the latter did. Nevertheless, these employees performed at the same level as the permanent staff, and a number of them did high-level professional work in the field of affirmative action.

Supervisor Dianne Feinstein during 1977 requested a report on Human Rights Commission utilization of its CETA employees, and a Budget Analyst staff member did a survey report on both CETA and permanent staff and recommended to the Finance Committee of the Board of Supervisors:

1. That the Human Rights Commission cease to sponsor staff for private community organizations, and
2. That there be a re-evaluation of the use of CETA employees (rather than permanent) to perform Human Rights Commission staff work.

Director Mickins' letter to Supervisor Feinstein showed what CETA employees were receiving training both inside and outside the Human Rights Commission office, during working hours, and the three attending courses relating to employment and community organization. He pointed out that "...no other agency of the City...with such critical mandated functions under law has been forced to operate with nearly two-thirds of its workforce temporary, untested and untrained. Since becoming Director, I have reduced the number of CETA employees by more than one-third. I am strongly and vigorously opposed to compounding the critical problem of the Commission by adding or accepting further temporary employees, for whatever purpose."

Juvenile Court Probation Department Minority Jobs Complaints

Meeting with former Civil Service Commission General Manager Bernard Orsi by the Human Rights Commission staff had seemed to establish that he was willing to take some actions in response to a complaint filed with the Human Rights Commission by five Juvenile Court Probation Department minority employees. The complaints stemmed from a Civil Service examination for Senior Supervising and Supervising Probation Officer job slots. Though many long-term minority employees took the written examination, only two passed, and one of these was ready for retirement. The Human Rights Commission had a number of times in the past pointed out the imbalance in minority representation in the Juvenile Probation Department, and the Grand Jury had charged lack of minority representation in the probation officer category, despite the large (75%) minority client service population.

The Human Rights Commission's formal complaint, filed with the Civil Service Commission at the request and on behalf of a number of minority and worker staff workers at the Probation Department, was turned down, and its chairperson, Darrell Salomon, said that the Civil Service Commission role was not to guarantee representation of minorities based on population but to be "neutrally color-blind."

A study of the professional workforce of the Juvenile Probation Department, the Human Rights Commission reported to Civil Service Commission, showed that it was seriously deficient in minority staff, with only two Blacks on the permanent staff as probation officers, and one Latino in any administrative post.

The Human Rights Commission request to the Civil Service Commission to reconsider its denial of the complaint, was also rejected. The plaintiffs thereafter filed suit in Federal District Court against Juvenile Probation and Civil Service Commission alleging discrimination on the basis of race, sex, and age. The result of that trial is still pending.

HRC Relinquishment of Monitoring School District Contracts

Due to the severance of the SFUSD from the City and County and hiring its own affirmative action staff the Human Rights Commission initiated action placing the responsibility for monitoring compliance on construction contracts let by the School District on the District's own staff. Following meetings between the two staffs, three basic recommendations were arrived at:

1. The Human Rights Commission and the District began implementing the transition in April, on a project-by-project transfer basis.
2. Transition was to be completed by June 30th.
3. The Human Rights Commission continued to provide inservice training in contract compliance to District staff through September 30th.

Death Review Committee at Sheriff's Department

The Human Rights Commission was asked by the Acting Sheriff to participate in a Death Review Committee on a permanent basis, enjoining various City agencies and private organizations such as the Sheriff's Department, Jail Medical Services, Coroner, Police Department Homicide Detail, Prisoners Union, Delancey Street Foundation, and the American Medical Association. The committee was intended to review, subsequent to the completion of investigation, deaths in the county jails, to attempt to identify factors contributing to a death, and to make recommendations for changes in policies and procedures.

Human Rights Commission debate on this invitation to participate in the Death Review Committee was protracted, centering on beliefs that the investigation of deaths was the responsibility of

the Sheriff's Department and the Coroner, and that the Human Rights Commission's role should be only if there were charges of discrimination brought to it specifically.

Eventually Commissioner Dan Silva, who strongly supported the concept of a Death Review Committee, was named the Human Rights Commission representative, with instructions to report regularly to the Human Rights Commission through the Police Liaison Committee on what the Death Review Committee work was.

HRC Policy on Endorsements

Because of an increasing volume of requests for Human Rights Commission endorsement of various and varying political, social and ideological issues, it moved during 1977 to adopt a formal Policy on Endorsements. In the past, the Human Rights Commission has endorsed legislation on the local, state, and federal levels that had an impact on San Francisco residents. The move to set up a formal Human Rights Commission policy had no bearing on the issues with which individual Commissioners took public positions, or causes to which they lend their names as individuals (though identified as members of the HRC).

Commissioner attitudes in discussion of this Policy on Endorsements ranged from those who favored a strict limiting to Human Rights Commission jurisdiction alone to those who felt the Human Rights Commission should be responsive to human rights principles in other parts of the world or nation. There were reservations about expanding the endorsement policy in terms of the amount of staff time that would be required to study and make recommendations on a potentially vast number of cause-endorsement requests. There were concerns that:

1. To make intelligent, informed endorsements would require a great deal of background study on all sides of an issue.
2. The Human Rights Commission could antagonize some elements of the community if it were felt that it judged on a case-by-case basis.

The Administrative Committee Guidelines on Endorsement as adopted included stipulations:

1. That the requested endorsement be within the scope of the Human Rights Commission Ordinance.
 2. That it be of local significance.
 3. That the proposed Human Rights Commission endorsement or resolution would have relevant impact on the intended agency or parties.
 4. That endorsements be first considered by a Human Rights Commission standing committee.
 5. That all available facts or information be provided before a decision.
 6. That there be adequate time for committee and Commission review.
-

C O M P L A I N T S C A S E L O A D

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COMPLAINTS CASELOAD

1977

The largest total annual number of complaints in its history was handled by the Human Rights Commission in 1977. The 1,182 cases reported by its professional staff was up 28.5% over the 844 cases for 1976, itself the highest annual increase in many years.

The 1,182 figure is nearly double the 671 walk-in, call-in, write-in, or referred cases the HRC worked with in 1974, only three years earlier.

The breakdown by general category for 1977 is as follows:

Employment-----	228
Housing-----	384
Gay Rights-----	292
Education-----	119
Other (complaints ranging from individuals with personal problems requiring counseling or referral, to cases of disturbed persons)-----	<u>159</u>
Total-----	1,182

It should be pointed out that the above all are cases that took professional staff time to resolve, or try to resolve. Staff people listen to complaints, make referrals when it is felt a referral agency can take action or has specific jurisdiction, write letters, make telephone calls or personal follow-up contacts, advise on further action, etc. In addition to this work, however, staff provide hundreds of people (not tallied in the above total), with basic information about human rights resource agencies both private and public, or about City departmental services. Indeed, one staff member estimates that he provided information in between 500 and 600 instances on the HRC's contract compliance program, on its rules and procedures relative to employment, affirmative action, or on federal or state programs and/or regulations.

The most dramatic increase during 1977 was the total of 292 complaints cases involving gay discrimination. Since the HRC's nondiscrimination ordinance was expanded two years ago to include sexual orientation as a protected category, the number of cases handled by the Gay Liaison Specialist, Jo Daly, and a student interne, Lloyd Cowan, went from 73 in 1976 to 292 in 1977 as noted above. Ms. Daly reports that the most disturbing trend to these complaints is the rise in complaints of violence against gay citizens, most notably between July and November of 1977. Gay problems revolve around the same types of areas as anyone else: employment, public accommodations (refusal of service), and housing, with the extra dimension of assaults against gay people.

Housing Representative Don Hesse and Housing Specialist David Prowler reported their complaint work jointly, i.e., a total of 398 cases, plus 67 (not included in the 1,182) personal disputes, problems with pets, or information requests. Racial discrimination and that against families with children totaled 140, and included discrimination claims on the basis of marital status, age, sex, sexual orientation, disability, criminal record, occupation or business, religion, source of income (welfare), etc. Other major causes of tenants' distress are inability to get adequate safety or health maintenance in houses or apartment buildings, disputes over security deposits (a classic sore point for both parties), legal and illegal evictions, and rent increases. The latter most particularly has risen significantly ---- 60 cases in 1977, with average reported increases of \$82 a month.

Though the HRC generally does not process individual complaints of discrimination UNLESS they fall under its Nondiscrimination Ordinance pertaining to City contractors, or UNLESS they are the basis for a class action complaint under the Ordinance, it does provide special attention to complaints about the City Civil Service System. One hundred eighty-one such complaints were reported for 1977 by Frank Anderson, the HRC's Employment Representative specializing in work with the Civil Service System.

Mr. Anderson noted a decrease in pre-employment complaints, but an increase in in-service complaints by City employees last year. Class actions, he reported also, are stemming from barriers to persons applying for Civil Service jobs, from unfair treatment in assignment and pro-

motion within the Service, and from discouragement to would-be applicants because of fear of failure, historical group exclusion, or negative experiences with government in general.

Handling complaints involving the public schools is Gail Roberts, the HRC's Community Organization Coordinator. School employment problems dominated her complaint caseload in 1977. This involved both certificated personnel (teachers, etc.) and paraprofessionals in the San Francisco Unified School District.

Specific complaints were about discrimination in involuntary transfers, "deselection," and assignments on the basis of race, changed ethnic designation, or sexual preference. Ms. Roberts cited the steadily-declining student enrollment as a factor in increased pressure regarding assignments for what is becoming an "overabundant" staff. Ms. Roberts reported 119 complaints cases in 1977.

The extraordinary thing about the HRC's whole complaints function is that it was never intended to be a casework agency. Its professionals staff HRC standing committees, maintain liaison with public and private agencies, and carry out the HRC's mandate to promote and monitor affirmative action in employment, to effect a responsive public school system, and to respond to and participate in movements to lessen housing needs in the City. Complaint-handling is in addition to their regular duties.

Paradoxically, as the Board of Supervisors expands the HRC's obligations (e.g. passage of Chapter 12C of the Administrative Code relative to nondiscrimination in leases and contracts; addition of sex, sexual orientation, and disability to Chapter 12B, the Nondiscrimination Ordinance), there is no addition to staff. The last new staff position was added in 1968. Through 1975, the HRC had 14 full-time Civil Service staff, both professional and clerical, During 1977, it had 13, a result of budget cuts in prior years.

FOURTEENTH ANNUAL REPORT

DOCUMENTS DEPT.

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

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January 1978

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January 1979

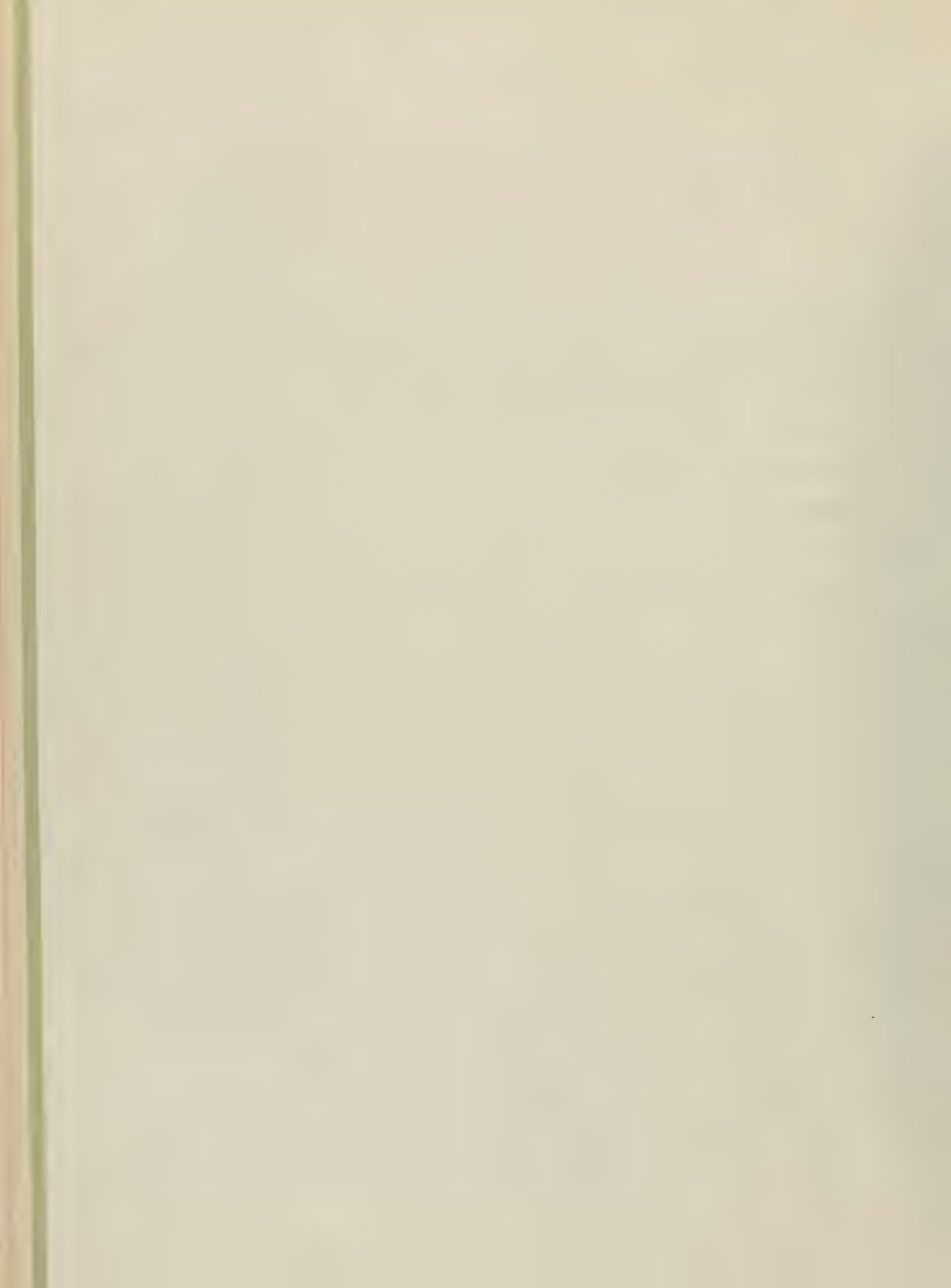
The Human Rights Commission's total budget of \$317,487 for 1978 (July 1, 1977 to June 30, 1978) represented .0004 of 1% of the total City budget of \$787,925,727 (exclusive of the San Francisco Unified School District).

Section 12A.2 of the San Francisco Administrative Code (as amended August 28, 1974 extending provisions thereof to include age, sex, sexual orientation and physical disability).

Declaration of Policy. It is hereby declared that the policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies; that an instrumentality should be established to give effect to such rights, to eliminate prejudice and discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, physical disability, or place of birth, to inform the inhabitants of the City and County of developments in human relations, to provide expert advice and assistance to the officers, agencies, boards, departments and employees of the City and County in undertaking ameliorative practices to keep peace and good order and to officially encourage private persons and groups to promote and provide equal opportunity for and good will toward all people.

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HUMAN RIGHTS COMMISSION
PERSONNEL 1978

COMMISSIONERS

David K. Yamakawa, Jr., Chairperson
Caryl Mezey, Vice-Chairperson

Vernon Alley
Carlota Texidor del Portillo
Rev. W. R. Drummer
Rabbi Alvin I. Fine
Sister Mary Bernadette Giles
Antonio Grafilo
Sylvester Herring

Phyllis Lyon
Enola Maxwell
John Morrissey
Dan Silva
Donna Solomon
Nadim H. Zarour

STAFF

City-funded Civil Service Professional and Clerical

Grant S. Mickins III, Director
Frank Anderson, Employment Representative
Pauline Anderson, Senior Clerk-Typist
Jack Casford, Human Relations Representative
Donald Hesse, Housing Representative
Stanley Lim, Contract Compliance Representative
Grace Markham, Clerk-Typist
Joseph Meza, Human Relations Representative/Deputy Director
Wayne Redus, Employment Coordinator (resigned, September, 1978)
Gail Roberts, Community Organization Coordinator
David Treanor, Accountant/Office Manager
Blanca Torres, Clerk-Typist

CETA-funded staff (Federal Comprehensive Employment Training Act)

Clerk -Typists

Karen Hill
Marion How
Elizabeth Muao*
Sylvia Ortiz*
Denise Washington*

Community Liaison Workers (in Black, Latino, Filipino, Gay, Disabled, and Asian communities)

Jo Daly
Luis Escobar
Emmett Rosebrough
Jeffrey Wong*

Affirmative Action Officers

Alberta Grant
Linell Harden
Jesse Martinez*

Wastewater Project Team: Vicki Rathbone
Essie Thomas
Ed Vurek

Housing Specialist

David Prowler*

Payroll Clerk

Chung Lee

Reproduction Clerk

Ron Rush*

*Resigned during 1978.

Grand Jury Report

1977-1978

Following is the section of this report that dealt with Human Rights Commission. It is printed verbatim. Note that it refers to 1977, for the most part.

1977-1978 Civil Grand Jury Reports - City and County of San Francisco.

HUMAN RIGHTS COMMISSION

The purpose of the Human Rights Commission is to promote the rights of every citizen for equal economic, political, and educational opportunity; for equal accommodations in all business establishments in the City; for equal service and protection by all public agencies; and eliminate prejudice and discrimination because of race, religion, age, sex, or sexual preference. The Commission, which was created in 1964, handled over 844 rights complaints last year in areas involving employment, housing, education, and a new element, namely, the problems of the gay community. There were over 73 documented gay-oriented complaints, and for the first time, the commission established a Gay Advisory Committee. There is also a gay representative on each of the standing committees.

Under the capable direction of director Grant Mickins, the Commission has been developing programs and creative approaches to achieving maximum impact to getting public jobs and contracts for minorities. Minority outreach programs have achieved worthwhile success because of the commission's continued efforts to strengthen community and neighborhood input. This is evidenced by the continued delivery of health case service to many low income families. The commission implements and monitors an affirmative action program for the City. Because of this program minority balance is maintained in government procurement, and awarding of job contracts.

The Commission is made up of 15 commissioners, who represent a broad cross-section of city groups, namely, employer, labor, religious, racial, ethnic, gay, etc. In San Francisco where minorities are nearly a majority of the population, the Human Rights Commission presents a well defined representative group reaching out for maximum impact.

FROM THE OFFICIAL GREETINGS OF MAYOR DIANNE FEINSTEIN
READ AT A TESTIMONIAL BRUNCH GIVEN THE HUMAN RIGHTS COMMISSION
ON MARCH 3, 1979, BY THE BLACK BUSINESS ASSOCIATION IN SAN FRANCISCO

"It is a pleasure to send greetings and warm good wishes...to honor the San Francisco Human Rights Commission and its staff, and to acknowledge their commitment and contribution to minority business and manpower development in the Bay Area. ...the members of the Black Business Association are well aware of the concern and the effort that the Commission and its dedicated staff puts forth...

"The achievements made by the San Francisco Human Rights Commission in the relatively short period of its existence are impressive and commendable...it is important that agencies such as the Human Rights Commission maintain a posture of constant vigilance against racism, sexism, and all other forms of discrimination wherever they occur...Public support for agencies such as the Human Rights Commission are essential to the accomplishment of this objective.

DIRECTOR'S REPORTS



During 1978, this portion of the regular agenda of the Human Rights Commission assumed a greater importance than it has heretofore. Grant Mickins expanded the coverage of these reports, and they often became the source of much information about HRC activity that did not fall exclusively under a Standing Committee study. The involvement of the HRC in matters political, ideological, procedural and otherwise came under Director's Report, as well as its official hearings on contract compliance cases, and Special Order presentations, such as the appearance of the late Mayor George Moscone in May of 1978, five months before he and Supervisor Harvey Milk were assassinated by ex-Supervisor Dan White.

During 1978, the HRC heard these matters from the Director:

Administrative Hearing-Carter v. Bank of America.

Director Mickins had issued a Finding on December 13, 1977, in favor of John David Carter, the complainant, who charged he was fired after 18 years as a bank auditor for the Bank of America because of his sexual orientation. The Bank of America had the right to request a show-cause hearing of the HRC. After several weeks of discussions, a settlement was reached in this case. Besides a sizeable cash settlement for Mr. Carter, the Bank of America agreed to re-issue and distribute in San Francisco its policy on nondiscrimination on the basis of sexual orientation.

Minority Contractors Association v. W. & B. and B&F Concrete

The Director issued a Finding January 9, 1978, after exhaustive review and investigation and an audit by a firm of Certified Public Accountants, in favor of the plaintiffs' charge that B&F was not a bonafide minority contractor. This amounted to an initial Finding of Noncompliance against W. & B. General Contractors and their sub-contractor B&F in work on the addition to the War Memorial Opera House. The Noncompliance Finding was for failure to employ, for 10% of the contract, a bonafide minority contractor. By March of 1978, two months after the Finding, W. & B. General Contractors had remedied the defect and hired a bonafide minority contractor for the Opera House job.

Appeal by HRC in Fisherman's Wharf Permanent Injunction

Superior Court Judge Charles S. Peery in November of 1977 had issued a Permanent Injunction enjoining the HRC from requiring Alioto's Fish Company and other Fisherman's Wharf restaurants to enter into affirmative action agreements, or to answer questions about them. Judge Peery held that the City is pre-empted by the state in monitoring these City leasees. This ruling was of great significance to the HRC, which for many years had worked cooperatively and effectively with many Fisherman's Wharf restaurants in setting up affirmative action programs that had provided many minorities with job opportunities beyond their "traditional" dishwashing and busboy slots.

A Notice of Appeal to the Court of Appeal was filed by the HRC as 1978 began. The State Fair Employment Practices Commission filed an amicus brief in this appeal, taking the position that it does not have power of pre-emption in this instance. By the HRC's last meeting in December of 1978, the formal appeal hearing still had not been held.

Follow-up on Recommendation to Juvenile Justice Commission

The Director and staff met with representatives of the Juvenile Justice Commission to follow-up on the series of recommendations the HRC made in 1977 on placement and affirmative action policies. The Commission worked to set up a joint HRC-Juvenile Justice Commission Committee to effect implementation of those long-standing HRC recommendations on those policies that were mutually agreeable.

Jarvis-Gann Initiative Fiscal Impact (Proposition 13)

During 1978, of course, Californians were heavily preoccupied with the introduction of, promotion of, debate on, claims and counter-claims about, rational and irrational fears concerning, and eventual campaigning and voting on the Jarvis-Gann Initiative (so-named for its co-authors, Howard Jarvis, its long-time proponent and spokesman for real-estate owners' positions, and Paul Gann, a retired realtor and anti-tax advocate). The initiative, which qualified for the June ballot by a heavy petition-signing effort, became known as Proposition 13. It added an amendment to the California State Constitution limiting ad valorem real estate taxes to 1% of the 1975-1976 full cash value of real property, with certain adjustments. Real estate taxes did, indeed, drop by an average of 50 to 60% all over the state, and this decrease was experienced not only by persons who only owned a modest home or flat, but also, of course, by corporate and private ownership of multi-million-dollar holdings.

Early, pre-election estimates by the San Francisco Budget Director Harvey Rose were that Proposition 13 would decrease the City's revenues by 48.8%. Four City alternative budgets were suggested as part of early planning on how government and government services in San Francisco would cope with this changed financial support status. In March, the HRC learned that the most critical, in the sense of the most stringent, budget alternative cut out ten City departments, including the Human Rights Commission, along with the Delinquency Prevention Commission.

Announcement of this dire possibility came under the Administrative Committee's scrutiny and was the subject of discussion throughout the first half of the year.

Contingency plans were drawn up not only by the San Francisco HRC, but other Bay Area and California HRCs as well, of course. An analysis was done by staff to see how other jurisdictions planned to cope with revenue losses and resulting personnel and service cutbacks.

Early mayoral announcements that the mayor was required to maintain only Police, Fire, public transport and revenue-producing departments, coupled with the alternative-level budgets of the Budget Analyst, caused deep concern at the HRC. The City, it was predicted at one point, could lay off an estimated 5,555 regular employees and 1,500 CETA (Comprehensive Employment & Training Act) employees.

In May, the HRC adopted a comprehensive statement called a Proposal to Minimize the Impact of City Employee Layoffs, and it was sent to the Mayor's Office and his staff. Its major proposal was for institution of a worksharing policy, which it said could be implemented through reduction in working hours, rotation of short periods of layoffs, restrictions on overtime and subcontracting, limiting new hiring, etc. The HRC's concerns centered on the commonly-held fears that the application of the usual seniority rules when layoffs would be made would disproportionately affect minorities, women, and younger persons. In addition to helping protect affirmative action gains, the Proposal said, worksharing would help improve employee morale and productivity. The HRC urged the City officials to plan immediately (before the June ballot and almost-certain passage of Proposition 13) for alternatives to massive layoffs, naming specifically its conviction that ethnic minorities and women would suffer the most from application of the Civil Service Commission rule calling for strict seniority procedures in any possible layoffs. These fears were not reduced by the formal request that came in late May from the Civil Service Commission for a seniority verification for all employees. Mayor Moscone, in a mid-year visit to the HRC, however, defended seniority as a vested right, barring an order of a court. This was in connection with his discussion on the search for innovative policies to try to ameliorate the problems of both City employees and the public who need and want many public services.

In June, the HRC sent a Contingency Plan in a letter to Mayor Moscone, outlining how it would have to cut its services under its mandate under the various alternative budgets. It recommended that a fee structure be instituted for revenue-producing agencies of the City to which the HRC rendered contract compliance/affirmative action professional and clerical help. This was at a point of very low morale among commissioners and staff, and the HRC was then being recommended for a budget allocation of between 36% and 90% of its previous year's budget. Immediately following passage of Proposition 13, the HRC held a special meeting to consider its actions and responses to the budget crisis.

In the months following passage of Proposition 13, rumors and reports flourished and died weekly. By late June, the HRC had approved a scaled-down 1978-1979 budget request (prepared following a City Hall memorandum request), while not officially accepting a cutback of its budget to 85% of its budget. Simultaneously, the City moved to suspend the Salary Standardization Ordinance for all City employees, thus cancelling scheduled salary cost-of-living increases for all 26,000 City employees.

By July, the HRC was holding at a budget for the next fiscal year totaling 15% less than the previous year, with most of the \$22,730 cut (leaving \$317,384) in Personnel costs. All dues in professional organizations and all travel allowances, including reimbursement for employees' use of their cars, were deleted. But the 85% budget level was possible only because of what came to be called the state "bailout" (from the state surplus of several billions of dollars) allocation to California municipal jurisdictions.

The HRC moved to obtain supplemental budget support from massive construction projects (such as the principally federally-funded Wastewater project) for which it did the contract compliance/affirmative action monitoring and implementation. On the Wastewater project, the HRC was monitoring some \$200 million in construction contracts, and its staff responsibilities were due to rise sharply with the beginning of excavation at the long-delayed Yerba Buena Center (this was named the George R. Moscone Convention Center later).

In late July staff (Jack Casford) did a telephone survey of ten HRCs in California. Five of the ten HRCs were eliminated outright. Budget cuts of 50% to 70% were common in three, and staff job-loss figures ranged up to 20.

Even though the state of California did announce distribution of the budget-surplus "bailout" funds, anxieties were not relieved because of the looming possibility that these surpluses would not continue as resources to depend on. Even though the San Francisco HRC did survive, many Bay Area agencies were cut severely in staff and function.

Criminal Record Review Ordinance

Citing its official policy (dating from February, 1975) opposing the use of past criminal records in assessing qualifications of job applicants in the City Civil Service, the HRC wrote the Board of Supervisors urging that it not override the Mayor's veto of an ordinance introduced by Supervisor Quentin Kopp that would have permitted heads of City departments to review criminal records in selecting applicants for City jobs.

The HRC held that, among other objections, reviewing past criminal records works a particular hardship on minority applicants.

The Supervisors voted in May not to override Mayor Moscone's veto.

U.S. Supreme Court Bakke Decision

This decision, after months of national debate, especially in California, where Mr. Bakke had sued on the grounds that minority preference programs were discriminatory (in his case, his application for admission to the UC Medical School had been denied), finally came down in 1978. It was in favor of Mr. Bakke and the court ordered him admitted to the UC School of Medicine.

In October of 1977, the HRC had adopted a formal Resolution Urging Overturn (by the U.S. Supreme Court) of the Bakke Decision. The U.S. Supreme Court action actually was to uphold the ruling in favor of Bakke by a California Superior Court. The University of California had appealed that decision.

The HRC's Director made a formal commentary on the Supreme Court action from the point of view of the impact on the HRC. He held that:

1. It appeared that the HRC's affirmative action program is very much in conformity with what the Supreme Court ruled was acceptable, even though the decision dealt only with college and university admissions policies and not employment.
2. Many people feel that a very important principle was established: that race can be a factor in admissions policies in colleges and universities.
3. That the U.S. Supreme Court handed down another significant decision the day after the Bakke case announcement, in overturning a Los Angeles Appellate Court decision regarding the Public Works Act of 1977 (a public employment program) which required that 10% of the contracts let through these funds must be awarded minority enterprise. That Los Angeles court had ruled this unconstitutional.
4. On balance, these Supreme Court decisions are most supportive of affirmative action efforts, such as the HRC's, that are not exclusionary in nature.

IAOHRA Seattle Convention

At the HRC's participation in the annual meeting of the International Association of Official Human Rights Agencies in Seattle, to which Director Mickins paid his own way, the Bakke decision was one of the prime subjects of discussion. At that convention, Ms. Eleanor Holmes Norton, former chief of the New York City HRC and then chairperson of the federal Equal Employment Opportunity Commission, assessed the impact of the Bakke decision. She observed that the Supreme Court had, following its Bakke decision, upheld

the use of percentage guidelines for affirmative action in major cases. She counseled emphasis on "voluntary compliance" with civil rights enforcement.

Restructuring of HRC Staff and Functions

In the Fall of 1978, the HRC completed what its Director called "one of the most substantial revisions in its staffing assignments and priorities in its history." The purpose was to make a strong impact on the monitoring of City contracts for affirmative action compliance. Virtually all staff on the professional level, both permanent Civil Service workers and those under CETA (Comprehensive Employment Training Act), were moved into some affirmative action monitoring function or involvement.

This restructuring with emphasis on affirmative action came as the HRC became legally responsible, under its mandate in Chapters 12A, 12B, and 12C of the Administrative Code, for such major, long-term City construction projects as the Wastewater program (nearly \$1.5 billion, most of it in federal funds, for a seven to eight-year sewer, treatment, and sewage outfall undertaking), major expansion at San Francisco International Airport, and the full-gear operation of clearance and excavation at the Yerba Buena project, re-named the George R. Moscone Convention Center.

The Director also called for more involvement by Commissioners, particularly in carrying out policy with other City boards, departments, and commissions in establishing the HRC's statutory role to approve City contracts in the pre-bid stage. City departments began to "contract out" many operations to the private sector because of Proposition 13 budget cutbacks and public sentiment. These contracts must be reviewed, then monitored by the HRC. The City Purchaser's Office was estimated to be increasing its procurement from \$175 to more than \$200 million in the amount of contracts to be let annually.

As the restructuring was announced, the Director also noted that the HRC was making plans to officially request policy commitments from City department heads, commissions, and boards to guarantee the right for the HRC to review in advance contracts those agencies were planning to let. HRC staff, he said, was willing to move up to the challenge of the greatly-increased HRC responsibility for this legal obligation of review of City contracts. This required the support of the Chief Administrative Officer of the City, and the commissions and boards that oversaw contract-letting departments and agencies.

Before the year was out, the Director was able to announce that for the first time in history a program extending the HRC's authority for prior review and monitoring of all contracts in excess of \$50,000 let by the City Purchaser's Department was approved. The program included:

- The HRC's right to prior review of contract bids.
- The requirement that HRC affirmative action guidelines be attached to the bid and contract documents at the time of issuance.
- The requirement that the HRC questionnaire be filled out by the respective contractor and submitted prior to award.
- The HRC's right to review and advise the City Purchaser on the eligibility and acceptability of these contracts.

Initially, the HRC was able to concentrate only on contracts totaling more than \$50,000, but it had the option of reviewing lesser-amount contracts if they were repetitive agreements to the same contractor.

This commitment from the City Purchaser involved the HRC in every major City department, and created a substantial new work demand on the staff.

Community Development Grant to HRC

The Board of Supervisors approved an Office of Community Development grant "package", which included \$18,000 to the HRC for the monitoring of construction and rehabilitation contracts let by the City in the categories between \$10,000 and \$250,000. This funding, however, did not become available to the HRC until 1979.

North Point Pier, Inc., - Finding of Noncompliance

In November, the Director of the HRC issued a Finding of Noncompliance against North Point Pier, Inc., the development firm for a complex of tourist-oriented shops and restaurants built by developer Warren Simmons at Pier 39 on the City's Embarcadero waterfront. The Finding had come after several months of resistance by the development firm to HRC efforts to obtain workforce reports and other affirmative action material and commitments. Pier 39 occupied a large stretch of waterfront and extended into the Bay under a 60-year lease granted North Point Pier, Inc., and had been the object of much public discussion pro and con since the announcement that it would be built.

The formal appeal requested either a show cause hearing or one before the full HRC (if the show cause were unsuccessful for the appellant).

It was the position of the Director that the matter come before the full HRC because there was a challenge to the jurisdiction of the HRC in addition to the question of whether North Point Pier, Inc. were in noncompliance with affirmative action requirements of the City's Administrative Code.

No hearing date had been set before 1978 came to an end.

Mayor Moscone Before the HRC

A long-planned discussion between the Mayor and the full HRC at one of its regular meetings took place in May of 1978. The HRC had earlier prepared and submitted to him for comment and reaction its Priorities in Employment and Principles for Affirmative Action in Employment documents. It also sought his reaction to its Staff Report on the Proposed Civil Service Affirmative Action Proposal.

The Mayor expressed his strong support of the general statement on the Priorities in Employment, stressing that department heads must be committed to these principles and compliance with goals and timetables. The Mayor discussed a number of points in detail, following the HRC's statement of priorities. He stated that if the City is going to require the private sector to carry out affirmative action, it has to be "impeccable" in its performance in that area with its own employees.

The Mayor also discussed in detail the twelve principles outlined in the HRC's Principles for Affirmative Action in Employment document. Points touched on here included his support of expanded recruitment efforts, the need to eliminate non-job related requirements, measurement and accountability of employers, and negotiation-level discussion of affirmative action issues during meet-and-confer or collective bargaining processes.

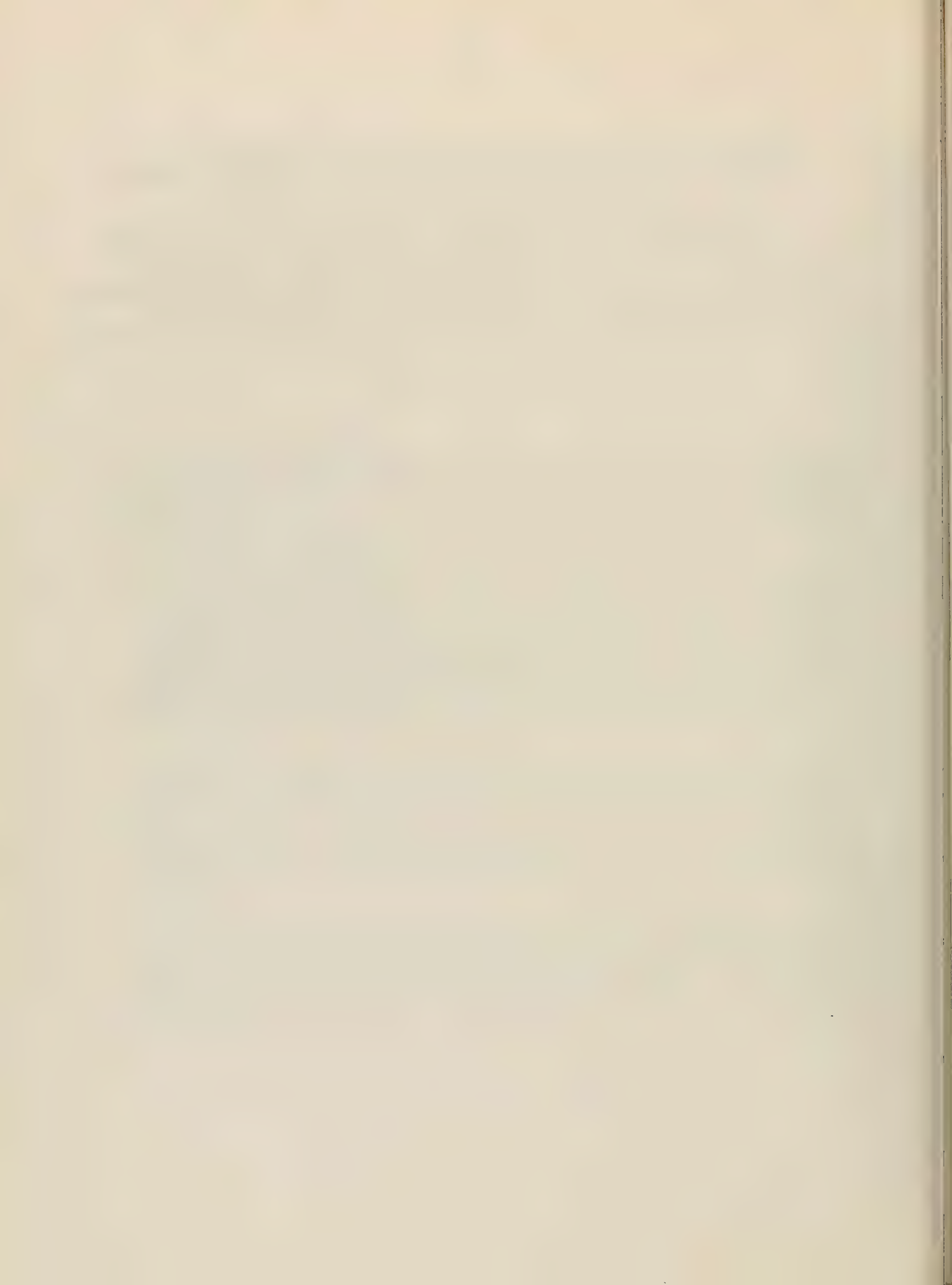
The Mayor spent some time on the subject of the dilemma he and the City faced in discussing affirmative action guidelines and regulations required by the federal government from the standpoint that compliance with the federal regulations might backfire by the City's then being in noncompliance with some state regulations.

An important segment of the Mayor's appearance was the exchange of comments between him and the individual members of the HRC.

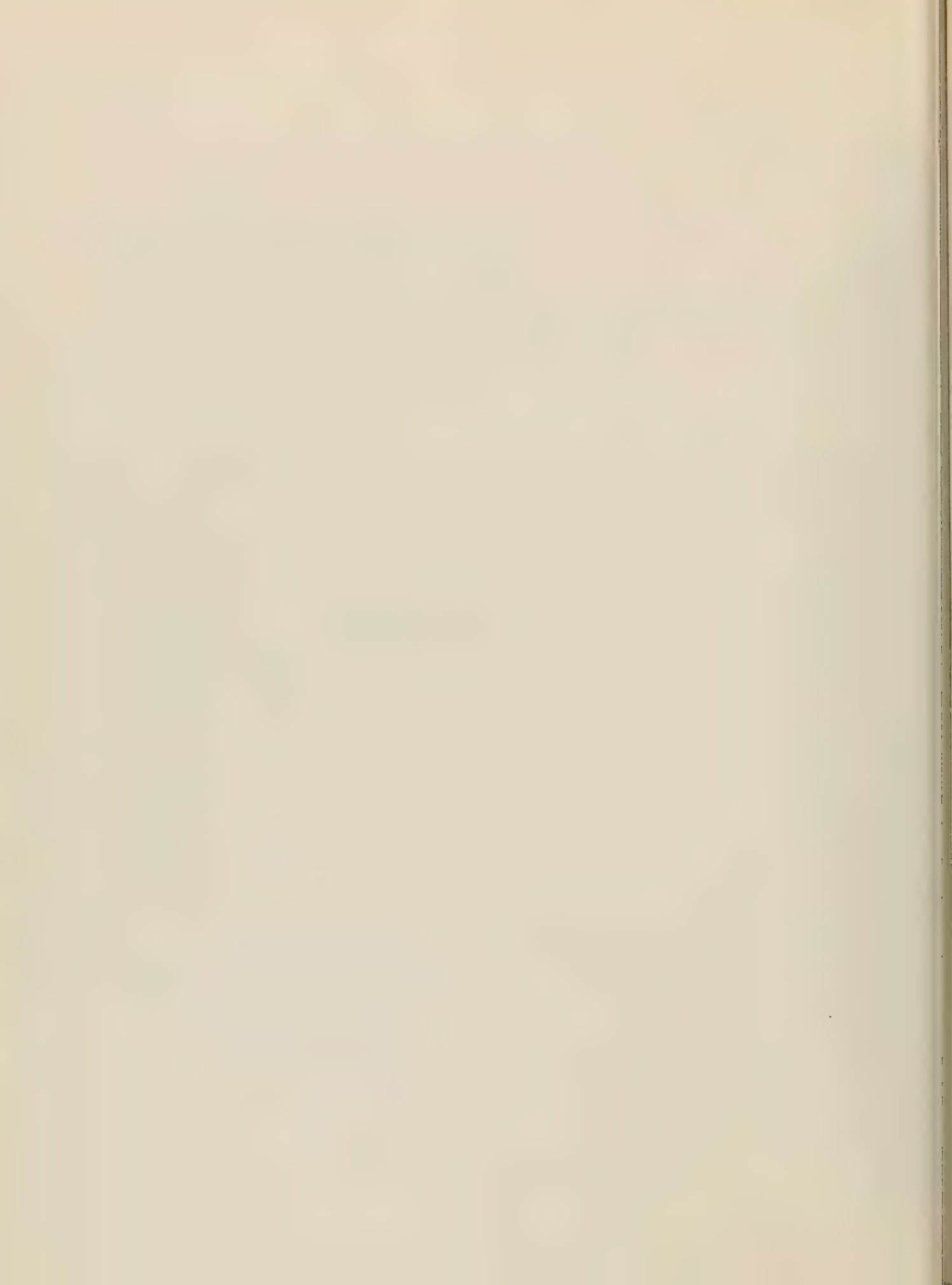
Since the Mayor's presentation was only two weeks before the June election at which Proposition 13 was passed, naturally much of the discussion touched on the anxieties and concerns about the impact, especially on minorities and public services, when and if the Proposition were passed. The Mayor reiterated his stance that seniority is a vested right (answering concerns that minorities and women would suffer most from strict seniority policies in job layoffs).

The Mayor never again appeared personally before the HRC. In November, he and Supervisor Harvey Milk were shot to death at City Hall by Dan White, who had resigned from the Board of Supervisors two weeks earlier and then sought re-appointment.

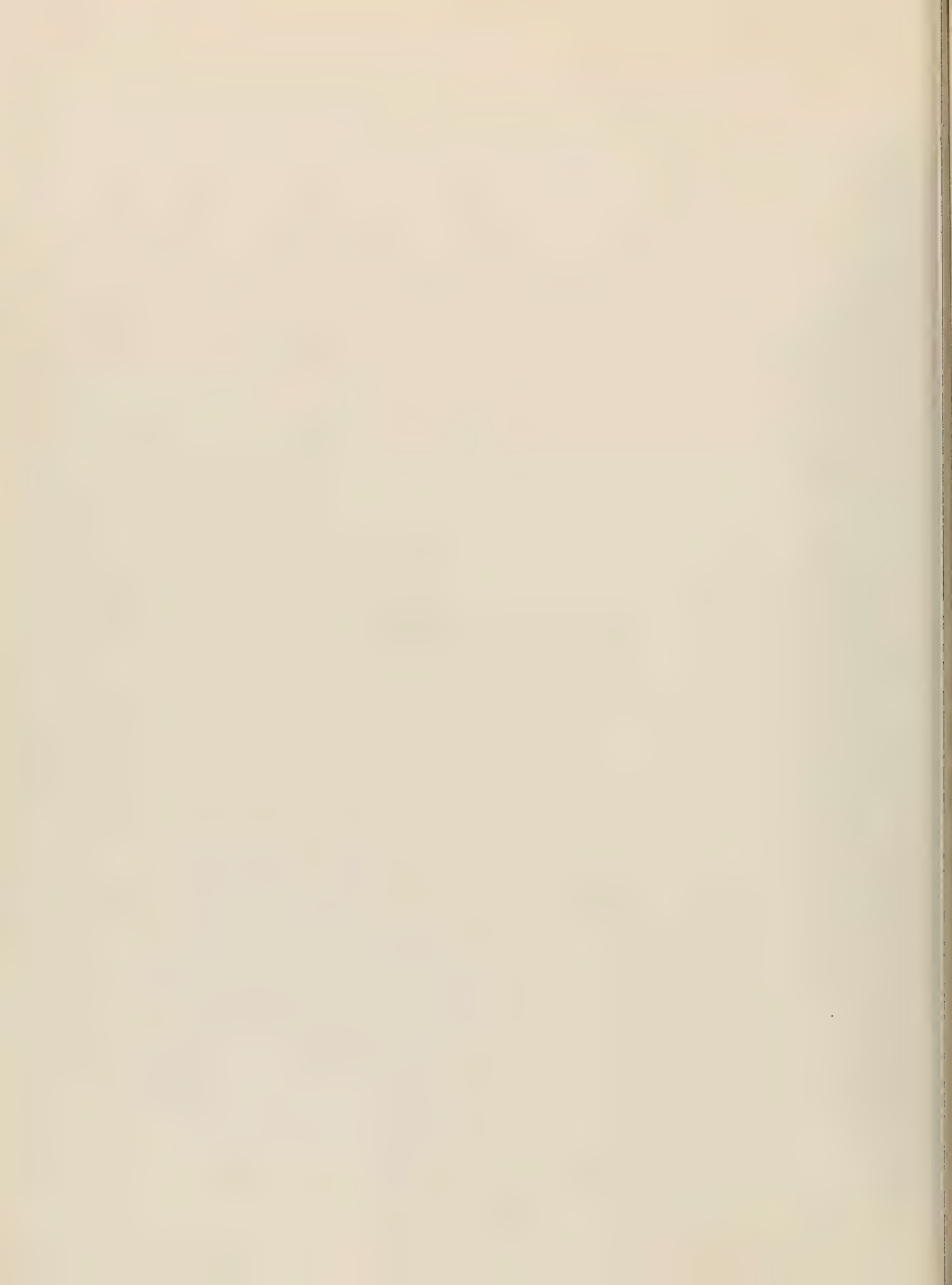
The HRC members and staff expressed their formal condolences to the family of the late Mayor and to the friends and family of the late Supervisor. A joint sum of money was contributed by various Commissioners and staff to a Moscone Family Fund, created to help provide for the support and education of the four surviving Moscone children. Contributions were also made by some to a fund set up by Supervisor Harvey Milk's associates. Mrs. Moscone personally wrote an acknowledgment and thank-you letter to the HRC.



S T A N D I N G C O M M I T T E E S



A D M I N I S T R A T I V E



ADMINISTRATIVE

(Founded in 1976 as part of the regular HRC Standing Committee structure, this Committee is made up of the HRC Chairperson, Vice-Chairperson, and the Commissioners who chair the Standing Committees. It meets to consider policy issues on a regular basis.)

During 1978, the Administrative Committee's deliberations included the following issues:

Policy on Public Disclosure

The HRC's Policy Governing Public Disclosure of Affirmative Action Information was adopted originally in May of 1976. It covers basic policy, the definition of "finalized documents", their availability, and procedures for inspection and copying. At the request of the Mayor's Office in early 1978, all City departments heads were asked to develop a written policy on public disclosure. The City Attorney's office drafted an overall written policy for departmental use in drafting their own. Since the HRC already had a written policy, its response was to update and amend it. One amendment was made in November of 1978 stating that the HRC would issue "...every six months an updated and current list of all contractors, subcontractors, suppliers and all finalized documents on file with the Commission and subject to 12A and 12B of the Administrative Code."

Procedures for HRC Standing Committee Selections

In order to update its system of appointment of members of its Standing Committees, the HRC moved to amend its Rules and Regulations in order to accomplish two things:

1. Give the HRC Chairperson time to appoint Commissioner members to the Standing Committees.
2. Encourage the Chairperson and the Standing Committee chairpersons to review the makeup of committees with staff for balanced representation.

After study and discussion, the HRC amended Rule 21 of its Rules and Regulations (Rule 21 pertains to the Standing Committees of the HRC) to add the proviso that committee assignments would run from March 1 to March 1 (the terms had been January 1 to January 1) beginning

in 1979, with the exception of the Youth and Education Committee, whose membership assignments would run from September 1 to September 1.

Resolution to Establish Friends of the Human Rights Commission

Following up on its mandate "to prepare and disseminate educational and informational materials relating to prejudice and discrimination and ways and means of eliminating such prejudice and discrimination" (In Chapter 12A.5 of the Administrative Code), the HRC formally moved to authorize the Administrative Committee to pursue the establishment of "Friends of the Human Rights Commission" to help it fulfill the objectives of not only its mandate to disseminate materials relative to prejudice and discrimination, but also to provide aid and support for a number of HRC activities. By the close of 1978 work had been done on procedures of setting up "Friends of the Human Rights Commission."

Policy on Release of Information to the Public

Following a minor public uproar about accessibility of the public to documents and information held by City departments in early 1978, the Mayor's Director of Information, Mel Wax, issued a memorandum to all City department heads spelling out the legal and policy questions involved in the matter of public access. The consensus of the Administrative Committee was that the guidelines stated in Chapter 12A.9. (c) of the Administrative Code, stating that the Human Rights Commission shall have the power and duty to "Furnish cooperation, information, guidance and technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination," were acceptable. But it was agreed that Commissioner Mezey and Director Mickins would work with a representative from the City Attorney's Office and the American Civil Liberties Union to further define this section if needed.

HRC Staff and Committee Changes

With the resignation of Wayne Redus, Coordinator of Employment, in September of 1978, the HRC was left with a permanent (Civil Service) staff of eleven: the Director, 1 Coordinator, 5 Representatives, 1 Management Assistant, 1 Senior Clerk-Typist, and 2 Clerk-Typists.

The following staff changes in responsibility and assignment were announced:

- Frank Anderson assumed staff responsibilities for the Employment Committee, succeeding Mr. Redus.

- Gail Roberts became an overall Coordinator with specific responsibility for management information, reporting, and control systems, including evaluating work schedules and monthly staff activity reports.

- Essie Thomas succeeded Gail Roberts as staff for the Youth & Education Committee.

- Jack Casford became staff for the newly-consolidated Police Liaison/Social Issues Committee (formerly the separate Police Liaison Committee--staffed by Joseph A. Meza--and the Social Programs Committee).

Proposed Survey of Private Sector Businesses

After a presentation before the Administrative Committee and the full HRC by Rebecca Hazelwood, a research consultant, the HRC voted to submit a funding proposal to support Ms. Hazelwood and her partner, Francine Rizzo, in a survey, via confidential questionnaires sent to from 3300 to 500 San Francisco businesses on: 1. What the attitudes of businesses are towards their affirmative action programs and 2. What they actually are doing in affirmative action. The funding sought was \$30,900. By year's end, no such grant from a private foundation was awarded.

Zero Base Budgeting and "Sunset" Legislation

Zero base budgeting generally refers to a review of ongoing programs in terms of the need for such programs, as well as the goals, objectives and performance of these programs. "Sunset" legislation refers to a fixed expiration date for ordinances passed by the Board of Supervisors; boards, commissions, and departments not created in the Charter would also have fixed termination dates; and Charter-created boards, commission and departments would have fixed review dates after which the question of their continued existence could be submitted to the electorate.

The HRC testified (Commissioner Caryl Mezey) in regards to recommended improvements for this proposed Administrative Code amendment before the Board of Supervisors' Finance Committee.

E M P L O Y M E N T

Wastewater Management Program and Affirmative Action

The firm establishment of HRC authority over affirmative action aspects of the 1.5 billion-dollar Wastewater Management Program continued over from 1977 to 1978 and was a matter of debate and negotiation during the entire year, although such authority had been reaffirmed in a Board of Supervisors' resolution in October of 1977.

As many as forty contractors would be working on parts of this project for seven or eight years, with construction costs of approximately \$250 million annually in order to complete the mammoth wastewater treatment disposal operation for the City (the largest such project in its history).

Announcement of completion of an affirmative action agreement with the construction management firm (DeLeuw/Greeley/Hyman) was made early in 1978, and there was a full-scale presentation at the HRC, with company representatives, two affirmative action deputy managers, and Richard Sklar, coordinator of the entire Wastewater Management Program. Mr. Sklar reported at that time that his staff had 42% minority representation at all levels from top management to clerical, and he commended HRC staff work and repeated his unqualified endorsement of the affirmative action agreement.

HRC affirmative action goals for design firms emphasized Chapter 12B for general statements of nondiscrimination in employment.

HRC affirmative action goals for design firms included:

1. General statement of nondiscrimination employment based on Chapter 12B.
2. Agreement to disclose names of all subcontractors, dollar amounts of subcontracts, and to inform them of obligations under Chapter 12B.
3. Expanded recruitment efforts.
4. Goals for minority and woman-owned business participation.
5. Specific goals for hiring minorities and women.
6. Agreement to utilize existing training programs.
7. Reporting requirements during the term of the agreement.

In addition, hiring goals for minorities and women were established in the categories of professional, technical, and clerical for design firms.

HRC staff analysis of the CM (construction management firm) brought three additional categories into employment goals---management, and professional and technical supervisory. There was agreement on specific steps to be taken relating to training. These and many other details of the final affirmative action agreement were worked out in long and multiple meetings between staffs, and issues over differences on language, intent, specific goals, and implementation had to be worked out. During these proceedings, it became at one point apparent that the CM wanted to appear responsible for implementation of Chapter 12B, despite the Board of Supervisors' resolution of October of 1977. Goals for business (woman-owned and minority-owned) participation were eventually agreed on.

Although the affirmative action agreement had been drawn up, adopted, and publically announced, (originally \$110,000 for 3 professionals, 1 clerk) there remained the HRC's request for funding of the staff necessary to monitor affirmative action compliance by contractors on the Wastewater project. For more than six months in 1978 this funding request was stalled, despite the recommendations of the Affirmative Action Oversight Committee (established by the City's Chief Administrative Officer, and the Board's 1977 resolution. In September, it was announced that the HRC's request (which grew from \$110,000 to \$118,943) had been cut by the Office of the Mayor to \$73,969, and this figure began the long trek through review of the Civil Service Commission and the City Controller's Office for approval of the recommended three new HRC positions, after which it had to go before the Board of Supervisors. But by the close of 1978, neither the staffing positions nor the funding necessary for them had been approved.

Principles of Affirmative Action in Employment

This document, adopted November 17, 1977 along with another called HRC Priorities in Employment, was discussed by an HRC delegation in a meeting with Mayor George Moscone. The HRC Commissioners were anxious that the Mayor acknowledge the importance that it attached to these documents and their impact on nondiscrimination and equal opportunity in employment. At this meeting, the Mayor pledged to come before the full HRC for a more complete discussion of these and other aspects of its work. See under another section of this report (Mayor Moscone's Presentation on HRC and Affirmative Action) for a description of this appearance.

Special Presentation: HRC History, Role, and Responsibilities

HRC staff and its Director made this special presentation early in 1978 at a regular meeting, assisted by Commissioner Alvin Fine, the only charter member of the HRC still with it. The report covered the history of the HRC, its background for dealing with issues, its jurisdiction and legal authority, its internal organization, its staff makeup, its standing committee functions, its programs, major areas of concentration (i.e., community organization, employment, housing), and projects the staff has been or is working on.

Individual presentations covered the three ordinances (Chapters 12A, 12B, and 12C of the Administrative Code) the HRC works under, the structure and organization of its work and staff, and its standing committees and their programs, issues, and projects.

The HRC has had four Directors (called Executive Secretary in Chapter 12A): Frank Quinn, William L. Becker, Joseph A. Meza (Interim Director), and Grant S. Mickins III. There have been nine chairpersons, through 1978: Edgar Osgood, Robert Lauter, Curtis McClain, Leonard Kingsley, Julian Bartlett, Louis Heilbron, Victor Medearis, Caryl Mezey, and David Yamakawa.

Endorsement of Humphrey-Hawkins Full Employment Bill

Formally called the Full Employment and Balanced Growth Act, this federal measure was introduced in 1975 by the late Senator Hubert Humphrey and Representative Augustus Hawkins. It sought to establish as national policy "the right of all Americans able, willing, and seeking to work, to full opportunities for paid employment at fair rates of compensation." It set interim targets and a timetable for the reduction of unemployment: a 3% rate for those 20 and older, and a 4% rate for those 16 and over within five years of passage. It would have required an annual Presidential economic report, including numerical goals for employment and unemployment, production, real income, and productivity. It sought to establish a priority for job creation emphasizing the private sector and regular public employment through expansion of conventional private jobs, expansion of private employment through federal assistance, expansion of regular public employment jobs, and last-resort public service jobs.

The HRC discussed this measure at some length, determining what its opposition was (the National Association of Manufacturers, the United States Chamber of Commerce, etc.) and their objections, which included that it would impose too much federal control, and that it would be too costly.

The HRC unanimously endorsed H.R. 50 and S.50 (the joint bills), but they were passed in a greatly-altered version eventually by the Congress, which failed to provide funding or legislative support for specific programs.

Status Report-San Francisco Civil Service Affirmative Action Proposal

Frank Anderson, the HRC's veteran Employment Representative who has been working for a number of years on a task force which first drew up a proposed Affirmative Action Proposal for action by the Civil Service Commission, and then worked to get it adopted and implemented, compiled this report.

The report, basically an update of one he gave the HRC in December of 1977, was a reflection of two events: the charge by the federal Office of Revenue Sharing that the City was not in compliance with its affirmative action guidelines, and the court ruling requiring a number of administrative and financial concessions by the City to the lawsuit brought by Officers for Justice on affirmative action in the City's Police Department.

The task force, officially called the Affirmative Action Advisory Committee, on which Mr. Anderson served, had as obligations the examination of Civil Service workforce data, determination of under-utilizations, and provision of input to the Civil Service staff for the development of an affirmative action proposal. The HRC was only one of some fifteen City officers, departments, and minority community advocacy groups, plus the City Employee's Union-Local 400, that made up the Committee. Its Supplementary Affirmative Action Plan draft was submitted to John Walsh, General Manager, Personnel, Civil Service Commission, in late 1977 for his review and recommendations.

In February of 1978, in a meeting of the Committee with Mr. Walsh and two Civil Service Commission members, 35 modifications to the proposed plan were made by the General Manager, most of them clarifying and jurisdictional in character. By March, the citation of the City by the U.S. Office of Revenue Sharing and the setting of a deadline for compliance led to plans for a public hearing, for which the Advisory Committee submitted a number of recommendations.

Basic HRC concerns remained:

1. The failure of the proposed plan to be a City-wide one and its restriction only to employment matters mandated to the Civil Service Commission.
2. Provision of adequate resources to do monitoring and evaluation with the authority to impose sanctions for noncompliance.
3. Clarification of the HRC role to be designated monitor and evaluator of the Civil Service Commission's Rule 1.03, Affirmative Action Plan and Policy for Equal Opportunities, adopted March 21, 1977.

The HRC then adopted five basic recommendations:

1. That its position be stated at the CSC hearing on the Affirmative Action Plan.
2. Submission of the HRC Priorities in Employment section relating to Civil Service to the CSC.
3. Submission of its concern to the Mayor and Community Service Committee of the Board of Supervisors.

4. That community groups be urged to participate in the public hearings on affirmative action.
5. That HRC staff evaluate the Affirmative Action Plan before the CSC hearing.

More than a month after the above actions, the public hearings still had not been called by the CSC's Rules and Charter Revision Committee, and the HRC formally urged the CSC to establish a date immediately for the public hearing and to begin to expedite its consideration of the proposed supplemental Affirmative Action Plan for City Civil Service employees.

In August of 1978, Supervisor Carol Ruth Silver introduced an ordinance amending Chapter 16 of the City Administrative Code that would mandate City officers, boards and departments to implement affirmative action plans. This was the culmination of many years of work by HRC staff, and the second part of the legislative package would have amended Chapter 12A to mandate the HRC to provide technical assistance to City officers, boards and departments in implementing affirmative action. A third part of the package requested that the Civil Service Commission include in performance evaluations of management and supervisory personnel their efforts in implementing departmental affirmative action plans.

The HRC had given substantial support to the Silver legislation, which received a "do pass" from the Board of Supervisors' Community Services Committee, but encountered opposition at the Civil Service Commission. The Board, however, did unanimously pass the third part of the Silver package regarding evaluations of management and supervisory personnel relative to implementation of departmental affirmative action plans. As of October, 1978, however, the public hearings (on adopting the Affirmative Action Plan for the City) called for by the Civil Service Commission still had not been scheduled by Commissioner Darrell Salomon. Meetings then continued with HRC representatives and the Civil Service Commission's General Manager, John Walsh, to work out exact wording of the Silver ordinance to establish, through Board action, an official City affirmative action program. There was considerable Commissioner concern that at this late date there had been objections at the Committee level at the Board of Supervisors, and Commissioners and staff were still working at the end of 1978 to support and obtain passage of this legislation by the Board.

HRC Design Group Affirmative Action Report

Three HRC staff professionals, Vicky Rathbone, Essie Thomas, and Ed Vurek, formed a Design Group during 1978 that implemented extensive and effective affirmative action guidelines and compliance with architectural and engineering firms in, primarily, the San Francisco International Airport, Yerba Buena Center and the Wastewater projects.

The HRC's involvement with design firms originated in 1971, when the Yerba Buena Center project (this name was changed after the tragedy of November, 1978, to the George R. Moscone Convention Center) seemed to be underway. Though HRC contact with those firms in architecture and engineering with the proposed downtown San Francisco commercial development project was made, litigation over many different issues delayed it. The HRC's contact with design firms got high priority, however, when the Wastewater project started in 1976. It was the numerous Wastewater contracts for design and environmental studies that created the need for the HRC Design Group to implement affirmative action. In late 1976 also, design of the Yerba Buena Convention Center and Exhibition Hall was started again, and the Group also became involved in projects of other City departments involving design firms, including the International Airport, Port Commission, and the City's three major museums.

The Design Group begins its work when firms submit proposals for projects to that City department making contract awards. The Group reviews initial employment data received as part of the proposal and rates the firms according to affirmative action criteria. Staff attends pre-selection and final selection interviews to explain the HRC's function and elaborate on its expectations. When a firm finally is selected for the job, staff meets with representatives of the selected firm to negotiate an acceptable affirmative action agreement (See the section on the Wastewater Management Program and Affirmative Action for the basic seven agreements under affirmative action).

The Group then monitors compliance with the terms of the agreement, (which may contain more than the seven basic conditions if necessary, of course) by means of the reporting system and/or on-site visits. If a firm, after a reasonable period, exhibits difficulty in implementing its agreement, the Group will outline the problem areas and meet with representatives of the firm. Unless a suitable remedy is established and followed, the firm would face noncompliance procedures. The result could be cancellation of the contract, ineligibility to receive City and County contracts in the future, and fines.

The Design Group's HRC report covered compliance efforts in the area of employment with design firms for the preceding year, 1977, a study of the sources of minorities and women in the design professions, and a description of the expanded training component in the HRC affirmative action agreements. Primary emphasis in evaluating monthly reports on employment and sub-contracting activities is on achievement of goals, with secondary consideration of evidence of good-faith efforts in reaching goals. Also evaluated are a firm's recruitment efforts,

commitment to training, and timely reporting. One general problem of possible noncompliance occurs in the area of recruitment and applicant flow. To determine compliance with recruitment provisions of any affirmative action agreement, the HRC has to know of all contacts with agencies and media, and the result. It is acknowledged that the applicant flow situation may also be the result of a diminishing pool of minority and women professionals. Since the applicant flow remained for so long predominantly white male, the reasons for success in hiring more minorities and women include modified selection procedures and the use of current minority and women employees and minority and woman-owned firms as referral sources. The Design Group found, as its contacts increased, that firms began paying increased attention to the qualifications and potential of minorities and women who applied for jobs, and began hiring more.

As of the Spring of 1978, the Design Group was monitoring 49 firms, an increase of 17 over the figures for less than a year earlier. Overall minority participation increased in the last six months of 1977 from 23% to 27.3%. Minority women above the clerical level increased; the overall professional-level minorities went from 14% to 19.6%; and minority participation at the technical level was maintained at the high rate of 51.7%. With the dearth of minority representation at the managerial level, more focus was placed on the issue of promotion in subsequent negotiated affirmative action agreements.

Renewed attention was being paid to the problem of the participation of women, seen in the decrease from 25% to 21.4%. Development of sources of women in all fields was given a high priority. The lack of a sizable pool of women architects and engineers was, of course, a problem factor that the Design Group wrestled with. There was heartening news in the statistics showing that minorities and women are entering both professions in substantially higher numbers. In 1974, the Engineering Manpower Commission estimated women made up less than 1% of all employed engineers, and in that year they received less than 2% of all engineering degrees awarded in local schools. By 1976, women made up more than 10% of enrollments in Bay Area engineering schools, and in that year they received more than 5% of all engineering degrees awarded.

Conversely, Asians received 17% of all engineering degrees awarded by local schools in 1976, as against 3% nationwide, but the number of degrees awarded to both Black and Spanish-Origin students in architecture and engineering remained (and remains) very low, though there was a slow increase in these ethnic enrollments in engineering at the University of California, Berkeley, in 1977. Both the MESA (Mathematics, Engineering, Science Achievement) program at the U.C. Berkeley campus, and the U.S. Davis Equal Educational Opportunity Program were means by which minority applicants were encouraged in these disciplines.

Through its long association with the Engineering Societies' Committee on Manpower Training (ESCMT), the HRC has been a part of the efforts in upgrading and expanding training and internship programs in the design field. The programs include professional volunteer counselors and teachers, a scholarship fund, referral, and eventual employment, in many cases.

An expanded training component was part of the HRC Design Group's negotiation of the Wastewater Construction Management Agreement.

At year's end, the HRC held two public hearings where representatives of contractor design firms contributed their observations on the whole HRC Affirmative Action Program for Design Consultants. This program was aimed particularly at contracts being let at San Francisco International Airport, where significant expansion was under way, and where there had been considerable minority concern about their participation.

Joint Meeting with Youth & Education Committee

The Youth & Education Committee was charged by the HRC with monitoring affirmative action in employment in the area of education, and, in May of 1978, a joint meeting between it and the Employment Committee was held. Representatives of affirmative action employment and special admissions officials in higher education and in the San Francisco Unified School District were in attendance at this meeting.

Mayor Moscone's Presentation on HRC Roles in Employment

As promised in a meeting with HRC Commissioners earlier, the Mayor appeared before a regular meeting to discuss the basic HRC documents HRC Priorities in Employment and HRC Principles for Affirmative Action in Employment. This presentation was only six months before the Mayor's assassination.

Mayor Moscone's talk was both general and specific as regards these two documents. He first discussed the Priorities in Employment, stating his strong support of affirmative action, of departmental commitment, of alternative employment policies including flexible hours, part-time employment and job-sharing.

In his comments on the Principles for Affirmative Action in Employment, the Mayor supported expanded recruitment efforts and the need to eliminate requirements either not job-related, or which reflect cultural bias, and of measurement and accountability, "because the ultimate responsibility for the effectiveness of any affirmative action program rests with the employer." Other aspects of the HRC document he discussed were seniority, entry-level hiring, and negotiation of affirmative action issues. Since he was speaking before the passage of Proposition 13, the Mayor spoke of his efforts to determine how to balance job rights with fiscal exigencies, and to determine what services could be reduced or eliminated.

There was a lively exchange of ideas and questions and answers between Mayor Moscone and the members of the HRC following his formal remarks, with the Mayor at one point stating that while he and the HRC "clearly have the same goals," they have to be what he called implementable goals.

The Mayor also responded on the seniority issue to the HRC's May 11th statement, "Minimizing the Impact of Layoffs of City Employees," with its five basic recommendations. The Mayor said that in the absence of a final order of the court, seniority is a vested right, thus any layoffs or work curtailment can result in "last in, first out."

Affirmative Action in City Construction

One of the major status reports made during any calendar year at the HRC is the extensive narrative/statistical presentation on the HRC experience in implementing affirmative action on City-funded construction contracts. The 1978 report entailed 15 pages of narrative and 21 pages of statistical tables, and was the combined work of Stanley K. Lim, veteran HRC Contract Compliance Representative, and two Contract Compliance Specialists working under the CETA (Comprehensive Employment Training Act) program, Linell Harden and Tala Suafai.

The HRC in 1978 marked its tenth year of monitoring City construction contracts, and its report that year was its thirteenth since 1970. The staff monitored more City construction contracts (in monetary value and in number) than ever in its history---36 major contracts under review valued at more than \$225 million. The Wastewater and airport expansion projects represented more than two-thirds of the total.

The 1978 report covered 30 on-going projects and was based on statistics submitted by 30 general contractors and 200 subcontractors. At the time of the report, the ethnic breakdown of the total workforce in all trades including some field personnel was: White: 55.5%; Spanish-Origin: 15.8%; Black: 18.8%; Native American Indian: 5.7%; Chinese: 1.9%; Japanese: 0.8%; Filipino: 0.3%; and Other Non-White Minority: 1.2%. Total minority participation was 45.5%, or 653 persons out of 1,472, including both men and women.

The most notable achievement, Mr. Lim said, was the new high of seven working in City projects (four of them minorities) reached by February of 1978. Six were apprentices, and one a laborer. Though the total number was small, it was significant compared to the situation prior to the establishment (in 1976) of the HRC of goals that include women.

Minority representation, the report showed, equaled or slightly exceeded minimum goals, and it concluded that the projects were substantially meeting these goals for both minority workers and women apprentices.

In the area of apprentice opportunities, in the month of February, 1978 for example, 144 apprentices were on the job in the monitored projects. Eighty-two were minority males, and of the six women, three were minorities. Minority apprentices were 61.5% of the total and women 3.9%.

Problems that persisted throughout the outreach program for minorities included: lack of a high school diploma, lack of communication skills, lack of union knowledge, economic instability, etc. The HRC maintained a close working relationship with four publicly-funded community outreach programs.

The HRC in 1978 assisted more than 22 women construction workers in finding jobs, crediting its goals and timetables as the most important factors, even though women still faced traditional resistance from both employers and fellow workers.

Other major construction projects covered in this report were the North Point Pier (early difficulties in obtaining monitoring information led to an HRC noncompliance complaint against the developer of this Embarcadero waterfront tourist-oriented complex of shops and restaurants); the Performing Arts Center (minority business enterprise participation reached nearly 10% in this \$37 million concert hall project); and the Yerba Buena Center (renamed the George Moscone Convention Center).

The HRC's report concluded with the following observations:

"Regardless of its source, the amount of money the City spends annually in construction is impressive. For the HRC, the mandate is to translate the massive dollar amount into equal job opportunities for all, particularly for the previously-excluded classes, minorities, and women. As demonstrated time and again, the Commission's compliance mechanism has proved both equitable and efficient. It has enabled us to continuously maintain a high level of overall minority participation in the skilled trades and in apprenticeship, (far exceeding our goals of 50%).

"Yet we remain concerned with the underutilization of minorities in certain crafts, the insufficient participation of Asian-Americans, and the disappointingly low number of Bayview-Hunters Point residents employed in projects in that area. The HRC, effective as any in a similar enforcement field, alone will not be sufficient to rectify all this. It will need the intense cooperation of labor organizations and the commitment of the contractors."

Insurance Industry Affirmative Action Report

The HRC's official involvement in equal employment opportunities for minorities and women in the insurance industry had its beginnings in early 1972, when it was found that the industry had been relatively untouched by contract compliance. In 1972, women represented more than 50% of the total insurance workforce, but less than 8% held jobs above the clerical level.

Since many insurance companies in San Francisco provided coverage for City operations, they qualified as contractors, and thus, in 1972, the HRC affirmative action work began. Some of the basic provisions that were to be required included:

1. Expansion of recruitment programs
2. Expansion of entry-level positions using on-the-job training
3. Expansion of referral sources to include minority agencies
4. Monitoring of the selection process
5. Career counseling programs for minorities and women
6. Establishment of goals and timetables to achieving equal opportunity in all job classifications in firms with four or more employees.

By 1977, total participation of women in the companies the HRC was monitoring in above-clerical positions was 361, or 22.8% of the total workforce. Minority representation in the above-clerical positions was 118 or 8.9% of the total workforce.

Statistics and on-site inspections were found to be the most reliable indicators of employment patterns; companies also were required to keep records on recruitment, testing, selection, and promotion procedures.

Despite the strongest encouragement to use minority referral agencies, through 1977, 99% of all people hired came from private employment agencies.

At the time of this report, compiled and presented by Ms. Alberta Grant, the HRC Contract Compliance Specialist in charge of this section, minorities were 19% of the total workforces of the monitored companies; 9.7% in the above-clerical jobs; and women held 26% of the above-clerical positions. Women were 9% of the officials and managers, 40% of the professionals, 18.8% of the technicians, 29% of the sales workers, 90% of the clerical staffs, 0% of the skilled workers, and 19% of the service workers.

A side issue to the above report was the circumstance of lawsuits filed against Women Organized for Employment (an advocacy group of women employed by insurance companies) and the California Fair Employment Practices Commission by 54 of the 300 insurance companies in California. Civil suits were filed early in 1978 by eleven major insurance firms charging the FEPC and the federal Equal Employment Opportunity Commission with collusion with WOE "in conducting a prejudicial investigation into employment practices of the insurance industry." None of these eleven companies was doing business in San Francisco, however.

The HRC's Policy Governing Public Disclosure of Affirmative Action Information was adopted in May of 1976 as the result of a lawsuit filed by WOE in March of 1975 to obtain a copy of the affirmative action program negotiated by the HRC with the Fireman's Fund Insurance Company. The company, during negotiations, had requested, and been granted, confidentiality for the program with the HRC. A court order in November of 1975 held that the program was public record and must be available for public inspection. During 1978 there was frequent discussion by the HRC and Fireman's Fund representatives regarding the goals and timetables portions of the affirmative action program, with the company at one point demanding to see "all finalized documents" from all City contractors being monitored by the HRC. These documents were reviewed by company people in mid-year. During the year staff found that other companies were questioning the HRC's authority and obligation to obtain affirmative action programs and compliance consistent with Chapter 12B.

Resolution Urging Inclusion of Affirmative Action in CETA

Representatives of Advocates for Women, an agency with which the HRC worked since 1972, came before the HRC on recommendation of the Employment Committee relative to a Board of Supervisors resolution proposed by Supervisor Carol Ruth Silver that would urge Congress to "permit the continuation of affirmative action programs with the Comprehensive Employment and Training Act (then under discussion for refunding in the Congress) by allowing local determination for up to 5% of the clients served to be resident unemployed and above the economically-disadvantaged income categories..."

This measure, however, was tabled by the Board of Supervisors after it was introduced.

Proposed Apprenticeship Council Regulations Changes

The HRC endorsed a number of changes that were proposed by the California Apprenticeship Council, changes which the state was required to make to comply with federal legislation. The changes entailed: Division of Fair Employment Practices responsibility regarding complaints alleging discrimination; use of evidence in appeals to the Council; lowering of age of apprentices, etc. The HRC, after Employment Committee study and recommendation, opposed a proposed change regarding granting preference points for completion of approved pre-apprenticeship courses

on the grounds that few women have had the opportunity to enroll in pre-apprenticeship courses.

Staff Reassignments and Contract Compliance

Administrative realignment and staff reassignments were completed during the Fall of 1978, so that each staff professional, both permanent and CETA, had some role in monitoring the affirmative action efforts of City contractors. The HRC announced its plans to obtain a policy commitment from each City department/agency to give it advance notice of all future contracts for review and approval (or rejection) of the affirmative action conditions required for eligibility to bid.

Civil Service Commission Equal Employment Report

Geoffrey Rothman, CSC Affirmative Action Coordinator, came before a regular HRC meeting to summarize the principal activities of the second year of operation for the Equal Employment Opportunity unit.

In conjunction with a Community Advisory Committee, the unit's major project in 1978 was the development of an affirmative action plan for the jurisdiction of the CSC. The HRC's Frank Anderson participated in this work. Mr. Anderson was cited for his expertise in Civil Service procedures, aiding the Advisory Committee in discussing such issues as the Rule of Three (City departmental hires being permitted from the top three, rather than the first, qualifiers on Civil Service eligibility lists). The Civil Service Commission as of late 1978 still had not voted on an affirmative action plan for its own use.

In general, Mr. Rothman reported, the employment of minorities increased from 1977 to 1978. Black employment was the only area where the statistics showed a percentage drop, despite the fact the actual number of Blacks employed increased. At the time of reporting, there was considerable apprehension among minorities and women because of the possibility of "bumping" rights impacts following passage of Proposition 13. "Bumping" is the right of seniority permitting a longer-tenured employee to "bump" one lower when layoffs are made.

In anticipation of Proposition 13 layoffs, the CSC's unit made contact with private sector employers, encouraging them to make efforts to absorb laid-off City employees. The response overall from private industry was positive. More than 100 firms placed job openings, and two major employers, a utility and a bank, screened applicants in the LEO unit offices.

Six cases of discrimination were handled by the unit, but this may have reflected the fact that the CSC jurisdiction is limited to selection procedures.

More than 2,000 persons were counselled on employment opportunities.

The unit has Spanish and Cantonese-speaking bilingual counsellors..

Several modifications came out of the review of CSC job announcements for compliance with prevailing state and federal EEO requirements, particularly in relation to minimum qualifications, and the format and rating of examinations. The thrust was to accept job-related experience in lieu of education. One result of the review was to cut down or eliminate written examinations where written skills were not part of the job being tested for, or could be better tested in another way, e.g., during a probation period.

The major training program of the EEO unit was the Interface Training Program, run in conjunction with the Mayor's Office of Employment and Training, which implements CETA. Most of the trainees were either minorities or women, and the goal was to provide them with entry-level professional positions in order that they gain the experience necessary to qualify for journeyman-level positions later on. Trainees also were placed in programs where they fulfilled special needs, such as in the Police Community Dispatcher programs, as ambulance drivers, and in the Municipal Railway's transit information program.

Q2 Police Officer Examination

This issue was a constantly-boiling one for a number of years in San Francisco, and it was not resolved in 1978. The last examination for this entry-level class, the first step in becoming a police officer, had been in 1974, and was under legal challenge in a suit brought by an advocacy organization called Officers for Justice made up mostly of Black members of the SFPD. Two of the main issues of contention were the adverse impact on women candidates of the physical agility and performance test, and on Black candidates of the written part of the examination.

As a result of the court challenge, the CSC's Equal Employment Opportunity (EEO) unit was assigned the responsibility for carrying an intensive recruitment drive aimed at women and minorities, and also for arranging training courses to prepare candidates for the exam. A recruitment bulletin was sent out (for the first) prior to a test announcement; six minority policy officers (two of them women) were assigned fulltime to recruiting potential candidates; meetings were held with community groups seeking input and cooperation; TV and radio spots were developed; training programs were developed by the Community College District, etc.

Concerns voiced by the community and the HRC's Employment Committee centered on the use of Veteran's Preference points in rating the exam, because of the potential adverse impact on women, on education requirements possibly excluding candidates educated outside the U.S., and on a short (ten days) time period allowed for filing after the examination announcement was released. The HRC voted to

request extension to 45 days to file.

Affirmative Action Activity by Other City Agencies

The HRC in the later months of 1978 operated under what the Director called "great pressure" from other City agencies wishing to establish their own internal affirmative action functions apart from the HRC mandate. One such department was the Airports Commission, with which much staff time was spent in explaining Chapter 12B's application. The volume of Airport leases and concessionaire agreements, plus design, engineering, and consultant contracts increased greatly during 1978 as the expansion projects picked up speed. One of the dangers, pointed out by the HRC, of a City Department's establishing a separate affirmative action program (one with, say, "absolute" quotas for minority participation), was that it could lead to a lawsuit challenge (reverse discrimination) that might involve the HRC and all other City and County agencies.

In conjunction with Airport staff, the HRC set up a process for all City departments (similar to that for construction and design work at the Airport) for maintenance and like service areas requiring pre-bid-level involvement in contracts, in order to set uniform procedures for the terms of all affirmative action programs.

Local Small Business Preference in City Contracts

The HRC's initiative in obtaining the agreements of all City departments that award contracts to cooperate actively in widening small business participation led off with discussion with Joseph Gavin, City Purchaser. Through the City Purchasing Department each year go millions of dollars in goods and services contracts. Mr. Gavin was first approached with three areas of concern:

1. Establishment of some kind of preferential procedure for local contract participation. (After Proposition 13, a number of City departments began letting contracts to firms outside the City as pressure grew to "contract-out" many activities formerly done by permanent City employees.)
2. Establishment of a procedure for minority enterprises's participation.
3. Establishment of a preference for small business participation.

Two Bay Area entities, the city of Berkeley, and the county of Alameda, had provision for local business preference in the awarding of contracts.

By the end of 1978, the HRC's affirmative action process for prior review and approval in employment of procurement, goods, and services was in place and being implemented. Meetings still were being held exploring ways to institute a program for small local businesses and minority business enterprises (MBEs) in the City Purchaser's Office.

Prior Notice of City Departmental Contracts

HRC staff by the end of 1978 had met with the heads of virtually all 58 City departments in order to obtain agreements that all contracts would be submitted first to the HRC for review for affirmative action components as part of eligibility to bid. These agreements were milestones in the HRC's affirmative action history. The good-faith actions of the departments and their willingness to work out details of procedure were in contrast to defensive attitudes of past years.

Said Director Mickins: "This has been a long time in coming (to the HRC) but it's here. The role that we should and could have played for many years is finally accepted. I have been surprised and delighted at the cooperative response of the City departments, remembering the sometimes hostile reactions of years past to our efforts."

Copies of the HRC Affirmative Action Program for Suppliers are henceforth sent out with all pre-bid material to all prospective contractors. The HRC formally congratulated Director Mickins for his "patience, persistence, and reasonableness" in establishing this precedent-setting program. He, in turn, paid high tribute to the knowledge, dedication, and expertise of the HRC staff in this work.

Bayview-Hunter's Point Memorandum of Agreement Status Report

A critical point in the status of this eight-year-old agreement came up in 1978, with a challenge to its existence originated by the Building Trades Council and some other signatories.

The Memorandum of Agreement, which established an affirmative action program for the Bayview Model Cities Area in the southeast edge of the City, was signed November 25, 1970 by the Associated General Contractors of California, Inc., the San Francisco Building and Construction Trades Council, AFL-CIO, and the Bayview-Hunters Point Model Neighborhood Agency. Months of intensive discussion, during which the HRC was a pivotal factor, preceded the signing of the final document.

The Agreement established residency requirements for affirmative action employment in construction projects in the Bayview-Hunters Point area. The HRC was charged with implementing the Agreement, requiring contractors to comply with the established goal of "using their best efforts" to assure that no less than 50% of the workforce in each craft be recruited from among residents of the Model Cities Project Area.

That area has a population of between 60,000 and 65,000, with approximately 60% Black, 20% Latino, and the remainder White and other minorities. Public reports have been made annually on the HRC monitoring and implementation work under this Agreement.

By, mid-1978, the secretary-treasurer of the Building Trades Council wrote to other signatories, stating that as provided in the Memorandum's by-laws, the Council and its individual unions wished to "re-negotiate and/or terminate the Memorandum of Agreement in its entirety." Proposals for a new Agreement were offered and the HRC and the Bayview-Hunters Point Affirmative Action Program staff made counter-proposals. The Council sought to: eliminate the HRC from the Administrative Committee; eliminate it from the Evaluation Committee; establish an arbitration method for settling disputes; and change the 50% residency employment goal to one based on the unemployment rate for the Model Cities Area.

The counter-proposals were that the HRC continue in its committee posts, and that the 50% residency rate be kept.

Discussions by the three signatories to the original Agreement began in November of 1978 (the Agreement was to expire November 25th), and by the year's end they were still under way. The HRC was not allowed to participate in these discussions, but was present as an observer, as were the Office of the Mayor, the Redevelopment Agency, and the State Division of Apprenticeship Standards.

Stanley Lim, the HRC's Contract Compliance Representative, reported to the HRC that he felt that the proposals for change would weaken the Agreement, reduce the employment goal, and were an attempt to eliminate the participation of any governmental agencies in the implementation of the Agreement. These concerns were shared, he said, by the staff of the Bayview-Hunters Point Affirmative Action Program. One factor he felt was prominent in the initiation of these proposals was that the HRC had been so vigorously enforcing the terms of the Agreement on contractors and sub-contractors. Another was the difficulty of some trade unions in meeting the 50% residency employment goal. However, he pointed out, the Agreement as worded required only that "good faith efforts" be made by employers to meet the 50% residency goal, and that if these are unsuccessful in the immediate area, jobs may be filled by recruiting elsewhere.

It was noted that since the Agreement was signed, in 1970, the job situation in the Bayview-Hunters Point area had changed greatly. Originally it was the one-year Candlestick Park (a baseball stadium expansion project that brought about the Agreement), whereas now there are several multi-million-dollar construction projects in the area meaning hundreds of long-term jobs.

Fair Employment Practices Division Chief's Presentation

Alice A. Lytle, Chief of the California Division of Fair Employment Practices, made a formal presentation to the HRC on the functions of this major state public agency, which includes the Fair Employment Practice Commission. (Note: In the Division title, Practices is with an 's'; in the Commission title, Practice has no 's'.)

Ms. Lytle concentrated on the changes to the California Fair Employment Practices Act through 1977 and 1978 legislation, changes, she said, that considerably expanded and improved the functioning of the Division, especially in the area of contract compliance.

Ms. Lytle's presentation covered, in some detail, operations of the agency that include: investigation of housing and employment complaints, acceptance of class action complaints, expanded contract compliance monitoring and implementation, assistance and cooperation with housing groups, and state, federal, and local agencies, etc.

The FEPC's most recent total budget (as of 1978) was \$5.2 million.

Coordination of HRC and Public Utilities Commission Monitoring

HRC staff members joined the Director and the Chairperson in meetings with the Public Utilities Commission's affirmative action staff to develop uniform procedures and coordination on the HRC's monitoring mandate. The PUC's staff professional, George Newkirk, had been implementing affirmative action for the utility under the HRC's Nondiscrimination Ordinance authority since 1973, though attached to the PUC. Because of a need to strengthen coordination, the following conditions were agreed on:

1. The PUC professional affirmative action officer will report monthly to the HRC.
2. He will submit to the HRC a list of contracts being sent out for bid by the PUC.
3. Regular reports will be made to the HRC on how those contracts are being monitored.
4. Notification will be made to the HRC of any complaints to be filed, and Chapter 12B procedures will be implemented.

Mr. Newkirk was in agreement that these guidelines would comply with the major HRC concerns.

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G A Y A D V I S O R Y

Endorsement of Bay Times Communications Program

The San Francisco Bay Times, Inc., communication program had, as a primary objective, to improve communication among lesbians, gay men, and the larger community by undertaking programs ranging from seminars, workshops, and forums, to development of a model newspaper.

The HRC formally endorsed this program.

Caseload Report-Article 33 of the San Francisco Police Code

Article 33 of the Police Code, which became effective May 11, 1978, prohibits discrimination in employment, housing, and public accommodations based on sexual orientation. It names the HRC as the agency empowered to investigate and mediate complaints filed with it by individuals. Supervisor Quentin Kopp asked that there be a report on the effectiveness of the first six months of enforcement of the Article. In December of 1978, the HRC's Gay Liaison Worker, Jo Daly, made that report. Supervisor Kopp had specifically asked that the report include the nature of complaints filed as a result of Article 33, and the actions taken on them.

Directly from Ms. Daly's report:

REPORT ON THE EFFECTIVENESS OF ARTICLE 33, (POLICE CODE) SIX MONTHS SINCE ITS INCEPTION IN MAY, 1978

Article 33 of the San Francisco Police Code, effective May 11, 1978, prohibits discrimination based on sexual orientation in employment, housing and public accommodations, and provides remedies therefor. Under Section 3307 (a), which relates to enforcement, the Human Rights Commission maintained its original powers to investigate and mediate complaints under the provisions of Section 12.A of the Administrative Code of the City and County of San Francisco. Actual enforcement dealing with employment powers within the jurisdiction of the Human Rights Commission is limited under the provisions of Section 12.B of the Administrative Code and relates only to cases involving City contractors.

Compared to HRC's records dating back to March, 1975, the nature of complaints has not changed. Discrimination in employment is the subject of most complaints, overwhelmingly. Approximately 60% of these involve an employee who has been on the job for more than two years, and 30% represent clients who feel that they were denied an employment opportunity because of their sexual orientation. Complaints involving discrimination in housing rank second to employment.

Half of these complaints involve evictions and half represent the denial of an opportunity to rent based on the client's sexual orientation. Denial of the use of public accommodations ranks third and complaints involving the Police are fourth in line.

The following statistics represent the number of complaints HRC has documented during this six-month period of time. Only those complainants who were willing to give their names, addresses, or phone numbers are counted.

NATURE OF COMPLAINT	NUMBER RECEIVED	REFERRED TO D.A.
Employment	21	12
Housing	5	5
Public Accommodation	4	4
Police	3	0

Since Article 33 came into effect, the staff of the Human Rights Commission has diligently explained the additional areas of protection provided City-wide, as well as the various means available toward a remedy, to everyone considering a complaint and to everyone calling for general information. As in the past, more than three-quarters of our complaints were resolved through informal mediation. However, since the inception of Article 33, when a complaint for any reason could not be resolved through informal mediation and the Human Rights Commission did not have jurisdictional enforcement powers under Section 12.B of the Administrative Code, staff referred the complainant to the San Francisco District Attorney's Office.

The number of complaints to the Human Rights Commission involving discrimination based on sexual orientation has dropped considerably during the past year. The ratio has remained the same, however, during the six months since Article 33 became effective. The drop in the number of complaints can be attributed to several factors. It must be noted that Senator John Briggs began his campaign in December 1977 to put a state-wide initiative on the ballot which would allow for the dismissal of teachers who were known to be Gay or who supported Gay rights publicly. At that time, he was attempting to qualify for the June 1978 Primary Ballot. Because of a technicality, he did not qualify his Initiative for the Primary, so his campaign began all over again and proceeded to ultimately qualify for the November General Election, as Proposition Six. During this period of time, many initial interviews were held with those considering filing a complaint who expressed their discomfort at becoming part of a public record while the outcome of the campaign remained undecided. And almost every segment of the active Gay communities focused all attention on the battle against the Briggs Initiative during this period.

Moreover, the addition of Article 33 to the Police Code received considerable press coverage, which was wide-spread nationally as well as throughout the Bay Area. The fact that the Ordinance provided City-wide protection was well-reported.

In conclusion, the purpose of the Ordinance was to add City-wide protection for a class of citizens who were experiencing discrimination with no remedies provided on any other governmental level. The more "effective" the Ordinance, the less complaints staff would expect to receive.

During the next six months, HRC staff will continue to keep accurate records of complaints and will provide a report on activities during the year Article 33 will have been in effect.

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H O U S I N G
A N D
U R B A N D E V E L O P M E N T

Housing Anti-Speculation Tax Ordinance Endorsement

Early in 1978, the San Francisco Housing Coalition, formed in 1977 by a number of housing advocacy groups in the City, responded to widespread concern about rapidly-escalating rents in the City, the spiral of property purchase costs, the virtual disappearance of low-income housing, etc., with, among other steps, a proposal for a progressive tax of profits made on real estate sales. This became a proposed anti-speculation ordinance. Possible solutions or remedies for the housing crisis aspects listed here included rent guidelines, home-ownership assistance plans, low-cost home rehabilitation programs, and rent control. In California, at least, the latter means, which raised strong reactions from real estate, landlord, and development groups, was in terms of rent regulation, which would allow owners to pass along to tenants reasonable costs of operation and maintenance.

The proposed anti-speculation tax proposal included the following provisions:

1. The proposed tax would be on profits, not on sale proceeds.
2. The tax would be based on the length of time the property had been held.
3. The ordinance would not affect homeowners who purchase for use of their own families or for long-term investment.

One of the factors in the movement was the outrage at the rent increases volume---50% to 150% not being uncommon monthly hikes. Mayor Moscone had called for anti-speculation measures in his State of the City Address, and Supervisor Ouentin Kopp had introduced legislation dealing with housing speculation at the Board of Supervisors as well.

The HRC heard from a number of proponents and opponents of the anti-speculation measure, and its formal action came only after discussions in two regular meetings. Proponents included the San Francisco Real Estate Board, which had a representative on the HRC's Housing Committee.

The HRC voted to endorse the San Francisco Coalition's proposed Housing Anti-Speculation Tax Ordinance. The Ordinance was the subject of public hearings in March, when it joined that proposed by Supervisor Kopp, and Mayor Moscone's real estate transfer tax proposal (to be applied within 18 to 24 months after purchase) for public discussion. The Anti-Speculation Ordinance received a "do not pass" vote from the three members of the Board of Supervisors' Finance Committee. It was defeated at the Board of Supervisors meeting of June 5th.

Proposed HRC Resolution Regarding Condominium Conversions

In the early Spring of 1978, the Housing and Urban Development Committee brought to the full HRC a proposed Resolution Calling for Inclusion of Low and Moderate-Income Housing in Condominium Conversions. The HRC in 1975 had endorsed a subdivision ordinance passed by the Board of Supervisors that required that there be 35% tenant consent in buildings of more than 35 units, that 20% of the conversion units be for low and moderate-income persons (if subsidies were available), and forbade conversions which reduced the City's stock of low and moderate-income units, among other components. As it turned out, the Nixon administration cut off subsidies, thereby making the low-and-moderate-income stipulation meaningless.

At the time of this proposed HRC resolution the City Planning Department was considering a policy of permitting condominium conversions with safeguards for tenants, and providing that low, moderate, and middle-income people could qualify for purchase. It has proposed that the Board of Supervisors declare a 90-day moratorium on any condominium conversions until a survey could be made. Some 2,000 units had been thus converted within the past year or so.

The proposed resolution from the Housing Committee would have had the HRC support "the policy of protecting the rights and needs of existing tenants in condominium conversions and encouraging the purchase of such units by low and moderate-income households, and further that it call upon the Planning Commission and the Board of Supervisors to require that all condominium conversions provide for the inclusion of not less than 20% low and moderate-income households, and remain part of the City's low and moderate-income housing stock."

This proposed resolution did not pass the HRC. It was referred back to the Housing Committee.

Instead, the HRC moved to urge that the Board of Supervisors declare a 90-day moratorium on condominium conversions in the City in order that a survey be made of the effect of such conversions.

The Board of Supervisors did not declare such a moratorium during 1978.

Endorsement of Assembly Bill 3619 Regarding Landlord-Tenant Rights

This state legislation was introduced by Assemblywoman Maxine Waters, and intended to extend the self-help remedy available to lessees under the California Civil Code for repairing premises and deducting up to one month's rent. AB 3619 sought to permit a lessee "to

exercise his right twice during any 12-month period, rather than once." It also would have required that any agreement "eliminating the lessor's duty to repair be in writing...making the landlord's duty to repair independent of the lessee's statutory duties."

Part of the consideration of this legislation by the HRC was the fact of the reports and findings of widespread code violations in San Francisco housing, and the increasing numbers of tenants complaints coming to the HRC staff citing problems of no heat, no hot water, rodent infestation, exposed wires, etc. The options then open to City tenants were: accept the conditions; move; or report them to the City Building Inspection Bureau, the latter a long process involving waiting to be inspected, notice to owner, and the wait while the City Attorney's Office tries to handle its landlord code noncompliance case backload.

AB 3619 was not passed by the Assembly Judiciary Committee

Resolution Supporting Fair Housing Amendments Act of 1977

This HRC-passed resolution called on the Congress to pass the proposed House Resolution HR 3504, the "Fair Housing Amendments Act of 1977," to rectify or improve the protections for fair housing that were contained in the original Fair Housing Act (Title VIII of the 1968 Civil Rights Act).

Major provisions of HR 3504 included:

- The U.S. Department of Housing and Urban Development (HUD) would be given the power to conduct hearings and issue final administrative orders.
- Extension of the time for filing fair housing complaints with HUD from 180 days to 3 years.
- Elimination of all exceptions except the renting of space within a single family dwelling occupied by the owner.
- Inclusion of handicapped persons as a protected class under the law.

The HRC adopted the Resolution in Support of Title II of HR 3505 known as "Fair Housing Amendments Act of 1977."

Inchon Village Home Ownership Program

This Housing Authority program was considered so innovative in concept by the HRC that a special report on it was made at both the Committee and Commission level.

Basically the program sought to turn the benefits of home ownership over to low and moderate-income persons who had been "locked into" public housing for many years because of an inability to buy. Inchon Village is a complex of one hundred apartments originally constructed as Navy family housing at the Hunters Point Naval Shipyard, located in the southeast section of San Francisco. The two-story row houses were vacated and "mothballed" at the time the Navy Department shut down the shipyard in 1974. The Housing Authority, in conjunction with the U.S. Department of Housing and Urban Development, proposed developing the apartments as a 100-unit condominium project. Under the planned condominium process, each family would own its own home with affordable monthly payments, including site maintenance.

It was hoped that such a development program as proposed might set an example for housing properties the military own in the Bay Area on installations that might be closing.

By the end of 1978, however, negotiations between the Housing Authority and HUD were still under way to fully implement the program, and no ownerships had taken place.

Extension of San Francisco Fair Housing for Children Ordinance

In 1975, with support from a broadly-based San Francisco Fair Housing for Children Coalition (one of whose leading members and moving forces was the HRC's Housing Representative Edith Witt), the Board of Supervisors passed the San Francisco Fair Housing for Children Ordinance. The measure was passed by over-riding Mayor Joseph Alioto's veto. It was to extend three years, with yearly reviews, and provided enforcement protection, through the District Attorney's Office, to persons who experienced rental or sale discrimination because of having children. It applied to most multi-unit housing in the City.

As the three years expired in 1978, Supervisors Quentin Kopp and Ronald Pelosi (the latter one of the original co-sponsors) co-sponsored continuance legislation. Amendments suggested by the District Attorney (scheduled to be introduced later) would have raised fines (from the \$250-\$500 range to \$1,000 to \$2,000 for landlords found guilty of discrimination), and permitting persons to bring discrimination

charges also through private attorneys. This latter amendment suggestion arose from the long time it took for some people to obtain relief (possibly as long as 18 months) through the DA's Office, with fixed statutory damages as well as attorney fees.

The HRC adopted a formal Resolution Supporting Continuance of the San Francisco Fair Housing for Children Ordinance. The Board of Supervisors subsequently did extend the ordinance but failed to take up any amendments.

Endorsement of Proposition U-Renters' Property Tax Rebate Ordinance

This proposition was on the November, 1978 ballot, and was part of the aftermath of the passage of Proposition 13 the preceding June which reduced property taxes substantially, averaging about 50% to 60% for most property owners.

At the Housing Committee hearings, careful attention was given to both sides of the renters' property tax rebate issue. Proponents were from San Franciscans for Renters Property Tax Relief, with opposition largely from the San Francisco Coalition Against Rent Control, and from the San Francisco Real Estate Association's representative on the Housing Committee.

Opponents held that:

1. Proposition U would result in lessened maintenance work by landlords.
2. Although scheduled to expire December 31, 1979, it most likely would continue in existence.
3. Housing investment interests would leave the City and there would be more conversion of apartments to condominiums.

Proponents countered that:

1. The City already requires certain standards of maintenance which would not be changed.
2. That there was nothing built-in about the ordinance to extend it.
3. That if housing investment did slacken, it would be because of the cooling off of the highly-inflated housing rentals and sales.

Opponents of Proposition U were invited to the regular meeting of the HRC at which it was to take action on the Committee endorsement recommendation but they failed to appear.

The spokesperson for the proponents, Chester Hartman, told the HRC that the tax rebate ordinance sought to spread equally among landlords, homeowners, and tenants the tax benefits of Proposition 13, rather than have all the savings go to property owners alone. It was predicated on the fact that renters already pay property taxes as part of their rent. Mr. Hartman stressed that the City Controller had announced that it would cost nothing for the City to administer this rebate, that the ordinance would become effective only when there is a tenant complaint, and that it did not limit the amount of any rent increases, nor set a maximum profit rate for landlords.

Seventy percent of the City's residents at the time of the Proposition U debate were renters, a disproportionate number of them minorities or low-income people.

The HRC voted, with one "no" vote, to endorse Proposition U. It was soundly defeated in the November, 1978 election.

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O R D I N A N C E R E V I S I O N

Formation of Ordinance Revision Committee

In March of 1978, Chairperson Yamakawa named Commissioners Fine, (Chairperson), Maxwell, and Solomon to what was then called the Chapter 12B Revision Committee. The reference is to Chapter 12B of the City's Administrative Code, also called the Nondiscrimination Ordinance, spelling out the HRC's affirmative action powers and procedures.

Two community people, the HRC's legal counsel from the City Attorney's staff, and two HRC staff were also named to this committee. Its charge was to research and propose those changes needed to update Chapter 12B to meet current and future needs as anticipated.

By mid-year, the Committee had met several times and was considering:

1. A proposed amendment to Chapter 16 of the Administrative Code, introduced by Supervisor Carol Ruth Silver, mandating City boards and departments to implement affirmative action plans.
2. A proposed amendment for Section 12A.2 of Chapter 12A (Declaration of Policy) requiring that the HRC act on affirmative action plans submitted to it for the purpose of certification of compliance with the criteria.
3. A proposed amendment for Section 12.5 (Powers and Duties) requiring the HRC to provide technical assistance to City agencies, boards and officer in writing.
4. A proposed resolution (for the Board of Supervisors) that would request the Civil Service Commission to include the evaluation of performance in implementing departmental affirmative action plans.

Late in the year, the HRC discussed in detail (in the Committee's Interim Report presentation) a number of recommendations for changes in Chapter 12A relating to education and housing. They ranged from minor deletions or substitutions to more substantive changes. They remained in the discussion stage, however, pending consideration by the HRC's Employment Committee of changes relative to employment.

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P O L I C E L I A I S O N

Synanon and Incident of June 2, 1978

Representatives of the Synanon organization came first to a regular HRC meeting, at which they discussed in some detail an incident involving the San Francisco Police Department and members of Synanon at the latter's quarters in the City. The issue was described as concerning the carrying out of a court-ordered change of custody of three children at the Synanon residence by a reported 13 police cars and 28 police officers. The matter was referred to the Police Liaison Committee, which did not recommend HRC action.

Consolidation of Police Liaison and Social Programs Committees

On September 14, 1979, the HRC formally consolidated the Police Liaison and Social Programs Committees. See details in Social Programs Committee section of this Annual Report, page

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S O C I A L P R O G R A M S

Resolution Opposing State Proposition 13 (Jarvis-Gann Initiative)

At the Committee level, both pro and con opinions were considered in drafting this Resolution. At the Commission level, staff described the materials on both sides of the question that were used before the final draft for HRC action was adopted. Since Proposition 13 virtually dominated political discussions in the state both before and after the June elections, it was only natural that the Social Programs Committee by definition would be the means by which the HRC action would have come.

Commissioner Morrissey, in the HRC discussions, pointed out that New York state has had a property tax limit for many years; that Proposition 13 would force all agencies to review their priorities for expenditures; and that high-income citizens would benefit less (from an income tax aspect) from Proposition 13 because their property taxes allowed as deductions would no longer be so high. (Estimates of as high as 60% were set for the property tax cuts that would follow Proposition 13.)

The HRC's Resolution Opposing State Proposition 13 (Jarvis-Gann Initiative) was adopted by unanimous vote. It reads as follows:

HUMAN RIGHTS COMMISSION

RESOLUTION OPPOSING STATE PROPOSITION 13 (Jarvis-Gann Initiative)

WHEREAS, the Human Rights Commission has taken positions on pending local, state, and national legislation in the past, particularly when it could have a serious impact on housing, employment, and education for San Franciscans; and

WHEREAS, its Social Programs and Administrative Committees have made a study of the possible consequences of passage of the proposed State Proposition 13 (Jarvis-Gann Initiative) and their impact on the implementation of the mandate of the Human Rights Commission itself; and

WHEREAS, a drastic increase in unemployment could result from Proposition 13's enforced property-tax reduction and the resulting severe cutbacks in public services, with as many as 5-7,000 estimated City government jobs in San Francisco alone; and

WHEREAS, public education would lose an estimated \$3.8 billion (both pro and con forces agree on this figure), or more than half of the money needed to run the schools, with the inevitable result of slashes in essential educational programs, increases in class sizes, drastic reductions in staff, etc.; and

WHEREAS, renters (most minorities and low-income people rent their housing) have no assurance whatsoever that the 60 percent cut in property taxes will be reflected in lower rents. Indeed, as

there is no protection now against rent increases, anxieties will be greater; and

WHEREAS, the human rights of decent, affordable housing, equal employment opportunity, quality/equality education, and access to recreational and cultural activities for which the Human Rights Commission has fought since its founding appear to be directly threatened by Proposition 13,

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission oppose the passage of Proposition 13 on the June, 1978 state ballot.

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Resolution 6-78
Adopted by the HRC 4/27/78

Endorsement of Assembly Bill 2450-Legal Services to the Poor

Assembly Bill 2450, introduced by Assemblyman Howard Berman, sought to appropriate \$8,200,000 for a program to be administered by the State Bar of California "to expand availability of legal services for the elderly poor and other low-income persons..." Already existing legal services programs would be utilized; the State Bar would oversee the distribution of state funds; and monies would be allocated for use in the various counties, with San Francisco slated for \$264,874.84. Although the only opposition came from the California Real Estate Association and the California Taxpayers Association, and despite the fact the bill received a "do pass" from the Judiciary Committee, it died in the Assembly Ways & Means Committee, where it was, in legislative parlance, "retained in suspense."

Endorsement of Assembly Bill 2693-Foreign Medical Student Retraining

This bill, introduced by Assemblyman Art Agnos, sought an appropriation of \$1,125,000 to retrain a maximum of fifty foreign medical school graduates per year for the purpose of aiding in their qualification to practice medicine in California. Though the bill was endorsed by the HRC, and passed the Assembly Health Committee, it, too, was not acted on by the Ways & Means Committee.

Consolidation of Social Programs/Police Liaison Committees

On September 14, 1979 the HRC formally consolidated the Police Liaison and Social Programs Committees for a number of reasons:

1. To more efficiently fulfill the HRC's priorities.

2. To avoid duplication on the many issues on which both Committees work.
3. To concentrate energy on these issues in one Committee.
4. To more efficiently utilize the time and expertise of Commissioners and HRC staff people.

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Y O U T H A N D E D U C A T I O N

Endorsement of (proposed) School District Counseling Centers

The HRC's initial discussion of these proposed centers, described as a means to deal with school discipline problems and decrease the number of suspensions, reflected a number of concerns: that they might not be staffed with persons able to communicate with minority students, and that they would "stigmatize and categorize" minority (Black) students.

In response to these concerns, Dr. John Cleveland, then Associate Superintendent, Office of Instruction, came to the January 26th meeting of the HRC to reply to these and to other concerns, such as that the centers would be come "dumping grounds" for difficult students and incompetent teachers. Dr. Cleveland had been instrumental in developing the proposed Counseling-Educational Centers, with the cooperation of the Emergency Evaluation Center, Pupil Personnel Services, of the Unified School District. He noted that the proposal for the centers was one of a number made by the District in response to the HRC's Suspensions Report of 1977 to the Board of Education. He concentrated on the key component of working with students, students having difficulties under the disciplinary system through diagnosis, counseling tailored to specific schools, consultation with parents, etc., rather than suspending them. Staff for the centers, he said, would be screened by community people.

After inclusion in the proposed Resolution Endorsing the (Proposed) San Francisco Unified School District Counseling/Educational Centers of a number of individual Commissioners' concerns, it was adopted by the HRC.

Though the School District did approve establishment of these centers, the cutbacks of Proposition 13 nullified this action.

Response to School Educational Redesign Plan

Three members of the School District administrative staff came to the HRC to participate in the discussion on adoption of a formal response to the Educational Redesign Plan proposed by Robert Alioto, Superintendent of Schools.

The formal response was drafted by the Youth & Education Committee after its own analysis. Its concerns were on three basic points: concern over the proposed method of school desegregation based only on goals; **possible** outcomes for Bilingual Education programs in the implementation of the Educational Redesign; and concern that the "time line" adopted by the Board of Education for implementation be "consentant with all deliberate speed in implementing the plan while at the same time assuring adequate time for staff development and curriculum preparation..."

There was in-depth questioning by HRC members of the three School District officials. The subject matter was wide-ranging, sometimes specific, sometimes general. Some topics were: transportation, "reprisal" fears of teachers and administrators; fears of "re-programming" of children in Bilingual Education programs, retraining of teachers, the problems of functional illiterates, teacher evaluations, attendance vouchers, parent participation, etc.

The HRC's formal response to the Education Redesign Plan was then adopted and sent to the Superintendent of Schools, and there was regular follow-up through staff and the Youth & Education Committee. The Redesign was implemented with the exception of those portions requiring additional funding.

Bilingual Community Council Recommendations Resolution

A proposed Resolution Supporting Bilingual Community Council Recommendations brought to the HRC by one Commissioner would have had the HRC "...support the Bilingual Community Council's efforts in promoting the implementation of the Master Plan and oppose any part of the Educational Redesign (plan) that violates the Lau v. Nichols Consent Decree."

The HRC's Youth & Education Committee voted to take no action on this proposed resolution in light of the revised Superintendent's Educational Redesign, and because of the specific inclusion of Bilingual/Bicultural Education (Lau v. Nichols, the precedent-setting Supreme Court ruling in 1973 that ordered the San Francisco Unified School District to provide English language instruction to limited English-speaking Chinese pupils).

Support of Los Angeles HRC Stand on UC Admission Changes

The Los Angeles County Commission on Human Relations in early 1978 asked the HRC to support its resolution opposing changes in the admission requirements for the University of California, specifically implementation of the Regents' standardized test policy. Many felt that the test policy would work adversely on the admission of minority students to the University.

Even though the Board of Regents adopted the controversial standardized test policy, to show its support for the Los Angeles Commission, the San Francisco HRC formally supported the Resolution of Opposition to Changes in Present University of California Undergraduate Admission Requirements.

The admission requirements were, however, changed by the University.

School District's Employment Affirmative Action

Contract compliance staff from the San Francisco Unified School District were in close touch with the HRC through the Youth & Education Committee during 1978 regarding the operation of the District's affirmative action policies and procedures. After a March meeting with this committee, a joint meeting was arranged with the Employment Committee for discussion of the whole range of HRC concerns about the District's setting specific goals (rather than just guidelines) in affirmative action.

During the year, it was reported, growing numbers of Vietnamese, Samoan, and other ethnic-group children introduced the issue of whether they are included (as categories) along with the categories of Chinese, Japanese, Latino, Black, and Native American for affirmative action purposes.

The Youth & Education Committee some years ago was charged with monitoring the District's affirmative action procedures in employment. The joint meeting with the Employment Committee brought together employment affirmative action people with special admissions officials in higher education and in the District for an exchange of information.

Support for Women's Center Budget Request

The HRC formally supported the budget request of the Women's Center, a work-furlough opportunity program for women in City Prison that had operated as a pilot program since November, 1976. There had been no public or private funding, and it had operated with minimal private donations. There was a working program for men inmates, but none for women. The Center in sixteen months obtained sixty work-furlough positions for women.

A budget request to the Mayor and Board of Supervisors was in vain, however, and in a few months, the Center work-furlough program closed down.

HRC Resolution on Implementation of Multicultural Education

The San Francisco Board of Education had adopted a program policy on multicultural education back in 1973, and the HRC had been involved in community input into the design and implementation of this program.

By 1978, however, there were widespread concerns brought to the HRC about the follow-through and application of multicultural education programs throughout the school system, and its Youth & Education Committee, after a number of discussions, brought to the full HRC a formal Resolution on the Implementation of Multicultural Education.

Education

Its primary recommendations, as adopted by the HRC (with two members voting "no") included:

1. That a precise timetable and overall coordination be established by the District.
2. That there be cooperation between the District's Human Relations Office and the Office of Curriculum.
3. That the involvement of administrative and on-site staff be mandated.
4. That the Superintendent of Schools establish mechanisms for implementation and site teams to monitor implementation.

Report and Recommendations-School Leavers, 1976-1977

This was the third such HRC report on students who leave the School District system. The District had nine classes of leavers, including marriage, expulsion, employment, etc. It was compiled by Jose Robles, HRC Community Liaison Worker, based on data supplied by the District, including statistics from the report School Leavers, Senior High Schools, School Year 1976-1977 by Yvon L. Johnson, Director of Planning and Evaluation Department, San Francisco Unified School District. All eleven senior high schools were included. This latest report assessed whether the HRC's year-old recommendations had been implemented by the School District, and it covered essentially the same concerns as in the 1975-1976 document.

Six major recommendations of the HRC (adopted in February, 1977) covered special studies (e.g., correlation between suspension and school leaver rates); statistics-keeping of leavers for each graduation class; extension of the "school leavers-reasons unknown" category; transiency rate statistics-keeping; male-female classification of the District's annual racial/ethnic survey of pupils; and encouragement of educational alternatives to reduce the frequency of drop-outs. These recommendations and the report for the 1975-1976 school year were referred to the District's Coordinator of Student Services, who in turn recommended that a task force be formed to study the HRC's recommendations and report following completion of the work on the Task Force on Suspensions.

There were two tangible outcomes from the HRC recommendations:

1. Male/female composition of pupils in the annual racial/ethnic survey.
2. Compilation of transiency rate statistics at the secondary level.

Out of a total 1976-1977 enrollment of 21,715 senior high school students, 751 left school after reaching the age of 18 (3.5%); 173 (0.8%) were exempted from school and did not return; 28 (0.1%) took a full-time job. Some 1,790 students (8.3%) left school without transfer. Mr. Robles' report included great detail on school leavers, including a breakdown by number and percentages and ethnic enrollment dates, categories of school leavers with reasons stated, a comparison of suspension data versus school leaver data by ethnic classifications, and comparison data by ethnicity and sex for two successive years for the senior high schools.

Between the 1976 and 1977 reports (as reported in 1978) the number of female school leavers rose from 478 to 834 in senior highs, and student leavers at the senior high level were much higher than for junior highs.

The HRC adopted eight new recommendations with Mr. Robles' report:

1. That the District investigate the high incidence of Spanish-speaking school leavers.
 2. That it investigate the sizeable increase in school leavers "for reasons unknown", especially among females.
 3. That its annual racial/ethnic survey of pupils include male/female.
 4. That it take steps to combat the "alarming" truancy and school leaver statistics.
 5. That it mandate consistent record-keeping procedures.
 6. That it determine the accuracy of specific statistics.
 7. That it study the correlation between excessive truancy and school leavers.
 8. That its Office of Student Services establish a broad-based task force to study the problems associated with school leavers.
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Opposition to Proposed State Anti-Affirmative Action Amendment

A measure on the June ballot in California would have amended the California Constitution to prohibit admission to any state university or college or any school division of either under an affirmative action program. This same prohibition would extend to public and private employment affirmative action programs, and to public and private contracts. Its effect, the HRC felt, would be to eliminate any and all affirmative action programs, and effectively nullify the work of the HRC and other agencies in the state.

The HRC unanimously adopted a formal Resolution in Opposition to a Proposed Initiative Amending the State Constitution to Prohibit Affirmative Action Programs in Employment and Special Admissions. This proposed initiative did not qualify for the state ballot.

Recommendations on Education and Employment for School District

With continuing interest in increasing opportunities for minorities to prepare and qualify for admission to higher education institutions, Youth & Education joined the Employment Committee in developing three recommendations for the Unified School District:

1. That it establish a cooperative program with Bay Area post-secondary schools designed to encourage the entry of minorities and women into colleges, universities, and trade schools, through information, student contacts, and recruitment efforts. The program, suggested to be patterned on the University of California's Berkeley campus Partnership Program, would begin at the eighth-grade level through twelfth grade.
2. That it cooperate more closely with community agencies involved in job training and career development.
3. That it study and report on how occupational roles are portrayed in curriculum materials with respect to race and sex.

Report on Programs for the Handicapped

One meeting of the Youth & Education Committee was devoted to reports from and discussion with three members of the School District staff who work for the handicapped children/students. They were a director of the Special Education Services Department, a supervisor of speech, hearing, and visually handicapped services, and a resource teacher in the Multi-Handicapped Program on services to disabled children.

A major concern at the time of this Spring-time discussion was that if the pending Proposition 13 were to pass (which it did, in June) although the program for the physically and emotionally-handicapped students would continue because federal law requires Districts to do so, this requirement would severely drain funds available for nondisabled students.

It was learned that the District had more than 200 students whose tuition is paid at private schools (mostly for the severely emotionally disturbed) because the District could not provide an appropriate program. Parents, it was said, have a significant role in deciding whether or not a program selected by any school district in the state is appropriate for their child, including the right to appeal through the state Superintendent of Instruction, or to bring civil lawsuits.

Report and Recommendations on Programs for the Disabled, 1977-1978

Emmett Rosebrough, HRC Community Liaison Worker, was the compiler of an extensive report on programs for the disabled offered by the San Francisco Unified School District. Mr. Rosebrough interviewed District staff and students and made on-site visits through the Special Education Services Department. The programs the District was then offering for the disabled were:

- for the speech, hearing and visually-handicapped
- for the multi-handicapped
- for the mentally-handicapped
- for severe language/aphasic pupils
- for the severely hard-of-hearing
- for the trainable mentally-handicapped
- for the profoundly and orthopedically-handicapped

In his verbal report to the full HRC, Mr. Rosebrough touched on highlights of each of the services for the disabled, including bus and home teacher services, and ~~Install-A-Phone~~ or Tel-Teaching facilities. His report described the District's procedures for placement of pupils with screening referrals, on-site meetings, parent consultations, and annual re-evaluations of students. Statistical tables showed the racial/ethnic distribution of programs for the disabled in elementary and secondary schools of the District. As drafted by the Youth & Education Committee, the HRC then adopted eight Recommendations on Programs for the Disabled, calling for:

- Special Education Advisory Committee input in Special Education programs.

- Inservice training for regular teachers with disabled students.
- Search and Service information as well as information on the rights of parents to appeal student placement, all circulated in dominant languages and widely circulated.
- Expansion of programs for disabled adults over 21.
- Monitoring of waiting lists of pupils needing special education services to minimize length of time.
- Provision of adequate facilities for disabled pupils in all schools.
- Protection of the rights of parents and students to confidentiality, appeal of placement decisions, and appropriate programming.
- Monitoring of the impact of the Educational Redesign Plan on disabled students.

Follow-up on these recommendations was reported in October of 1978 to the HRC. A number of the recommendations had been followed, including inservice teacher training, reliance on the Special Education Advisory Committee, confidentiality rights enforcement, and information on parent/student appeals on placement. Some of the other recommendations were partially carried out at the time of this report.

Endorsement of Proposal for Youth Advocates

The HRC heard a presentation by Ms. Valerie Blake, of the American Friends' Service Committee, and a longtime member of the Youth & Education Committee, on a proposed pilot program to be carried out in a public high and/or junior high school in response to wide-spread concern over the disproportionate rate of Black youth suspended from public schools, and because of the high percentage of suspensions in the areas of "insubordination" and "defiance of authority." Ms. Blake said her proposal sought to help students take more responsibility in understanding the school system, faculty, and administration, as well as knowing what their rights and responsibilities are.

The HRC endorsed the Proposal for Youth Advocates in the San Francisco Public Schools. AFSC sought outside funding for this project.

Statement on English Language Instruction and Bilingual-Bicultural Education and Resolution Regarding Bilingual-Bicultural Education in the SFUSD

Following a re-evaluation by the Youth & Education Committee of the District's Master Plan Bilingual-Bicultural Education program, these two formidable documents were produced.

The first concluded by stating that the HRC "...supports a concept of bilingual-bicultural education which provides maximum assistance to children with language deficiencies so that they are equipped to enter regular school programs as soon as possible. Consequent multi-culture curricula experiences should not only reinforce the child's own environment but also expose him to those other cultures in his school environment which reflect the varied cultures flourishing in the city in which he lives."

The second, the Resolution, urged the Board of Education to continue to address the needs of non-English and limited-English-speaking children, to employ only adequately-trained teachers for bilingual-bicultural classes, and to implement its own policy on mandated multi-cultural education.

Hidden Valley Ranch Resolution on Placement

HRC staff did considerable investigation and updating of information on the status of wards of the Juvenile Court who were assigned to the Hidden Valley Ranch facility in mid-year. Tangent to this were its study of the threat to funding of the School District's recreation program, funding of the Recreation and Parks Department, the possible reduction of voluntary foster home placements, and general opposition to significant fiscal reductions in youth programs.

The status of these issues was reported, including the fact that the Board of Education had ceased to fund the District's Recreation Department for the 1978 summer months, and that the City's Recreation and Parks Department would be able to operate at full strength until September. These actions came one month after passage of Proposition 13 was a fact. In addition, all new voluntary foster placements were being refused.

In the final HRC Resolution on Placement for Hidden Valley Ranch Wards, it was recommended that the Juvenile Court as soon as possible find alternative and more appropriate placements in private institutions for the wards transferred to Log Cabin Ranch (designed for persons of older ages), that foster home placements not be reduced unless in the best interests of the youths involved, and that there be no further significant fiscal reductions in youth-serving programs.

Resolution Urging Apportionment of City Funds to School District

In the aftermath of Proposition 13, when it appeared that the San Francisco Unified School District would face a drop of \$26.8 million (approximately) in revenues for the 1979 fiscal year, the HRC took a long look at what this could potentially do to the programs of the District, including child care, recreation, curriculum and community services, instructional support, transportation, etc.

Accordingly, and after lengthy consideration and discussion, the HRC adopted a formal Resolution Urging Apportionment of City and County Funds to the San Francisco Board of Education. It called on the Board of Supervisors to take this action, and urged the continuation (at the 1978 fiscal year level) of such programs as the Counseling/Education Center, Elementary School Counseling, Handicapped Services, Mentally Gifted, Multicultural, Non and Limited-English-Speaking Student Education, Occupational Preparation, etc. No funds were provided by the Board of Supervisors for these programs.

Resolution Supporting Social Services Infant Centers Funding

A member of the Board of Supervisors had proposed that child care programs of the Board of Education be transferred for administration to the City (they were administered by Family Development Services and Florence Crittenden Home). Representatives of the latter agencies came to the Human Rights Commission in protest. The issue centered on professionals' concerns that the program be seen as an educational one rather than a welfare one. It was pointed out by the School District's Children's Center Department that there was a strong educational component in infant development centers, whereby school-age student mothers are encouraged and aided in continuing their education while they received training in "parenting."

The HRC Resolution Supporting Funding of Infant Development Centers by the Social Services Commission urged that funds for these infant development centers (Family Development Services and Florence Crittenden Home) be channeled through the Board of Education "...in order to maintain the educational integrity of these programs." Although the Board of Supervisors requested an audit of children's centers, funding was provided.

Recommended Changes in Student Discipline Policy

In the Fall of 1978, the School District and Board of Education were considering a Policy on Student Discipline. The Youth & Education Committee met with the District's Legal Adviser, LeRoy Cannon, and after this discussion wrote the President of the Board, Benjamin Tom, spelling out its position and concerns on the proposed Policy. The Policy on Student Discipline was being brought into conformity with the State Education Code.

The Committee's primary concern was in the "dearth of alternatives to suspensions, with the severe reduction in support services particularly in Pupil Services and in school site administration at the elementary level." As a result of Proposition 13 cutbacks, many support services at school sites had been eliminated, including many counselors at elementary schools.

Other Committee concerns included: the need to require the school principal to contact parents of any student removed from school or questioned by the Police; a more precise definition of "filthy and vicious habits" for which a school child may be excluded from school; and involvement of the Student Attendance Review Board in disciplinary matters.

The Committee's concerns were presented in person by HRC staff at a Board of Education meeting, and it felt gratified that there was responsiveness by the Board to this presentation in detail. The District's Policy on Student Discipline reflected and was responsive to the HRC's earlier recommendations on suspensions.

Impact of Proposition 13 on District Programs in Education

The School District's Associate Superintendent for the Instructional Support Division, Yvette del Prado, reported on details of the impact of the Proposition 13 passage (in June of 1978) on the program offerings. San Francisco "lost" approximately \$26 million (money that would not be available because of the nearly 60% reduction in property taxes), one of the most drastic cuts of any district in the state.

The immediate impact included:

- 450 long-term substitute teachers lost their jobs.
- creative arts and music programs were cut drastically.
- nonreplacement of science, math, or other speciality teachers who retired or left the District.
- efforts to obtain private foundation funding support.
- predictions of "more drastic" conditions in the next school year.

Follow-up on Suspensions/New Status Report

At year's end, Emmett Rosebrough of the HRC staff had prepared a preliminary report on suspensions in the San Francisco Unified School District.

Whereas in 1976-1977 (school year) there were 3,141 suspensions, in 1977-1978, due largely to the efforts of the HRC and the setting up of a Task Force on Suspensions at the District, that number was reduced to 761. The largest number of suspensions continued to be at the junior high school level, where 1,440 were suspended in 1976-1977, but 427 in 1977-1978. In the senior high schools the figures were 943 in 1976-1977, and 334 in 1977-1978.

The Task Force recommendations on suspensions were the subject of great Committee interest, of course, and it sought responses from members of the District staff. Some progress had been made on some of these recommendations, including:

- clarification of state laws vis'-a-vis' the District's formal policy on suspensions.
- However, on such concerns as the recommendation for viable alternatives (to suspensions), there was no reported advance. And there still existed the disproportionate number of Black students suspended.

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C O M P L A I N T S C A S E L O A D

1 9 7 8

1978 Complaint Caseload Report - Jack Casford, HRC Representative. This report is compiled for each calendar year from the files of professional staff members at the HRC. This year the HRC is emphasizing that affirmative action is not limited to its work in nondiscriminatory employment, but that its 1,040 complaints for 1978 represent another important form of affirmative action. They are action, taken for individuals with problems; they are affirmative in that they are a response, whether in the form of counsel, referral, follow-up, negotiations, or other assistance, to a human need.

The 1978 total of 1,040 cases was handled by nine professional members, but the bulk of the cases was reported by four, those specializing in employment, housing, gay rights, and public information areas. Four of the staff were non City-funded workers under the federal Comprehensive Employment Training Act program (CETA).

The breakdown by general category for 1978 is:

Employment-----	254
Housing-----	186
Gay Rights-----	330
Education-----	33

Other (complaints including personal problems, conflicts with public agencies, many forms of alleged discrimination, and persons with emotional or mental disturbances.)

-----	237
TOTAL	1,040

The numbers tell far more than just the volume of cases. Within them are 1,040 human problems, requiring 1,040 different staff decisions.

This figure does not include the hundreds of routing requests for information about City services, other City departments, and the where-tos and how-tos basic to coping with urban life in the technological age. One veteran HRC contract compliance officer alone took care of approximately 600 requests in 1978 for information and materials pertinent to the HRC's affirmative action program and its rules and regulations.

No small amount of time is spent on one category that covers all to begin with: listening. The HRC staff professional (not forgetting the skilled clerical person who directs complainants to appropriate staff) has to hear complaints, judge what the problem is, judge the nature and demeanor of the complainant and then set about trying to resolve the problem. Resolve it, but being mindful of the restrictions on the HRC's jurisdiction, and on its limitations and on what it cannot do.

The HRC must know how to say "no", but only after having done everything possible to counsel, to refer, to direct, to suggest, to assuage, or to explain. The HRC must know what private and public resources there are in the City. It must know how to tell complainants the limits of these other resources and try to avoid promising someone he or she can get immediate, complete resolution of his or her particular problem. The frustration level of complainants tends to be high because they are referred from one place to another so often.

As in 1977, the most dramatic increase during the past year was in the complaints cases brought by Gay citizens. Since the HRC's nondiscrimination ordinance was expanded three years ago to include sexual orientation as a protected category, the number of cases handled by the Gay Liaison Specialist, Jo Daly, and an intern, Lloyd Cowan, went from 73 in 1976, to 292 in 1977, to 330 in 1978, as noted above.

The Employment staff's 254 total of complaints included everything from routine counseling and referral for an individual to formal charges of non-compliance against major firms holding City contracts in substantial amounts. One of the major areas of Employment complaint-handling is from City Civil Service employees. The bulk of one senior staff person's caseload (145) was made up of employment complaints against the San Francisco Civil Service Commission. Five trends characterized these complaints: failure of job candidates to rights of appeal and redress; lack of promotional opportunities; inability to speak English well; rigid experience requirements; and failure to pass part of the exam procedure, e.g., passing the written exam but not the oral interview. Complaints about rigid pre-exam requisites are declining.

The number of school employment complaints was significantly lower than in previous years. With the loss of one HRC housing aide and the referral of landlord-tenant complaints to the Mayor's Citizen Assistance Center, the housing caseload declined from 384 to 176. Two private volunteer groups and the Council for Civic Unity and their work were credited by the HRC's Housing Representative with considerably relieving the HRC housing complaint caseload.

In the ten years 1969 through 1978, the HRC has handled a total of 9,873 cases, for an average per year caseload of 987. Its fulltime professional staff of Civil Service employees is one less (five) than ten years ago. The smallest annual total was 1969's at 625, and the largest was the 1,182 figure reported in 1977. The caseload, which grew larger every year from 1969 through 1973, has fluctuated between 671 and 1,182 in the years 1974 through 1978. Thus the professional staff continues to handle this large burden of complaints, and still in addition to the primary workload in implementing the City's affirmative action requirements.

Director Mickins commented in early 1979 that in the meetings he and Chairperson Yamakawa attended with Mayor Feinstein, she has consistently pointed out the HRC's handling of a large number of complaints. The Board of Supervisors also in the past has noted this integral function of the HRC staff.

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FIFTEENTH ANNUAL REPORT

DOCUMENTS DEPT.

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

FOUNDED JULY, 1964

1095 Market Street - Suite 501
San Francisco, California 94103

January 1979

to

January 1980

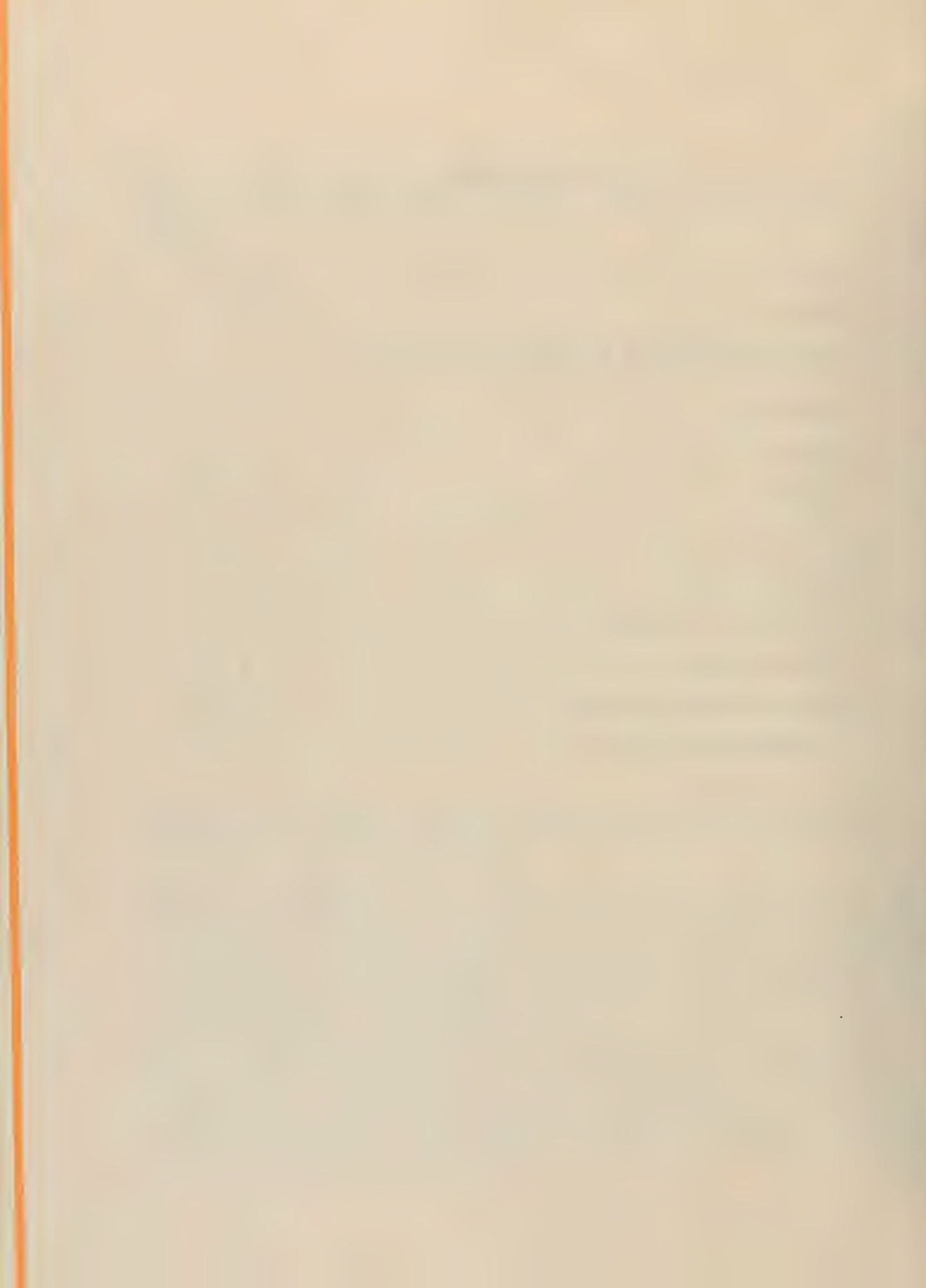
The Human Rights Commission's total budget of \$419,648 for fiscal 1979 (July 1, 1978 to June 30, 1979) represented .00034 of the total City budget of \$1,242 billion (exclusive of the San Francisco Unified School District).

Section 12A.2 of the San Francisco Administrative Code (as amended August 28, 1974 extending provisions thereof to include age, sex, sexual orientation and physical disability).

Declaration of Policy. It is hereby declared that the policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies; that an instrumentality should be established to give effect to such rights, to eliminate prejudice and discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, physical disability, or place of birth, to inform the inhabitants of the City and County of developments in human relations, to provide expert advice and assistance to the officers, agencies, boards, departments and employees of the City and County in undertaking ameliorative practices to keep peace and good order and to officially encourage private persons and groups to promote and provide equal opportunity for and good will toward all people.

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HUMAN RIGHTS COMMISSION
PERSONNEL 1979

COMMISSIONERS

David K. Yamakawa, Jr., Chairperson
Caryl Mezey, Vice-Chairperson

Vernon Alley
Lia Belli
(appointed August 16, 1979)
Carlota Texidor del Portillo
(resigned April, 1979)
Rev. W. R. Drummer *
(deceased April 1, 1979)
Sister Mary Bernadette Giles
Antonio Grafilo
Sylvester Herring
(resigned August 12, 1979)

Willie B. Kennedy
(appointed May 21, 1979)
Pius S. C. Lee
(appointed May 21, 1979)
Phyllis Lyon
Enola Maxwell
(resigned May 1, 1979)
John C. Morrissey
Joan Zamora Moulton
(appointed May 21, 1979)
Dan Silva
(resigned November 29, 1979)
Donna Solomon
Nadim H. Zarour

As of December 30, 1979, there were four vacancies on the HRC.

*Death of Commissioner W. R. Drummer

Commissioner W. R. Drummer, pastor and founder of San Francisco's Little Zion Baptist Church, died April 1 during a baptism service he was conducting at the church.

Commissioner Drummer had served on the HRC since December of 1977. Funeral services on April 6th at Macedonia Baptist Church, conducted by Rev. George Bedford, himself formerly a member of the HRC, were attended by Director Mickins, HRC staff, and members of the HRC. Formal condolences were written to Mrs. Drummer and her family on behalf of the HRC and staff.

STAFF

City-funded Civil Service Professional and Clerical

Grant S. Mickins III, Director
Frank Anderson, Employment Representative
Pauline Anderson, Senior Clerk-Typist
Jack Casford, Human Relations Representative
Donald Hesse, Housing Representative
Stanley Lim, Contract Compliance Representative
Grace Markham, Clerk-Typist
Joseph Meza, Human Relations Representative/Deputy Director
Gail Roberts, Community Organization Coordinator
David Treanor, Accountant/Office Manager
Blanca Torres, Clerk-Typist

CETA-funded staff (federal Comprehensive Employment Training Act)

Marian How (resigned, 1979)
Lori Palmer
Barbara Simms
Etta Wroten
Jo Daly (resigned March, 1979)
Luis Escobar (resigned April, 1979)
Emmett Rosebrough (resigned May, 1979)

Affirmative Action Officers

Lloyd Cowan
Alberta Grant (resigned September, 1979)
Linell Harden
Charlie Lee
Vicky Rathbone
Mary Gin Starkweather
Essie Thomas
Ed Vurek

Office Manager

David Treanor

Payroll Clerk

Lin Szeto

Reproduction Clerk

Maria Schaefer

(iii)

FOREWORD

Resolution Designating Two Functional Divisions of the
Human Rights Commission

On November 29, 1979, the HRC took formal action on a dramatic and important change in its internal organization by adopting the Resolution below. The change came after some weeks of study and discussion by the Administrative Committee. It was taken to define the two main functions of the HRC explicitly, and to enhance the administrative and operational aspects of its work. The Office of Dispute Resolution grows out of the mandate in Chapter 12A of the City Administrative Code, and the Office of Contract Compliance from Chapter 12B designating the role of HRC in employment affirmative action and contract compliance for all city departments.



(iv)

RESOLUTION DESIGNATING TWO FUNCTIONAL DIVISIONS OF
THE HUMAN RIGHTS COMMISSION

WHEREAS, the Human Rights Commission has, since 1966, traditionally operated two divisions pursuant to its mandate under Chapters 12A and 12B of the San Francisco Administrative Code, and designated these two divisions as Community Organization and Employment, and;

WHEREAS, the HRC in 1978 reorganized its priorities and operations to improve staff performance and accountability in complaint handling, mediation and conciliation pursuant to Chapter 12A of the Administrative Code in the area of dispute settlements, and;

WHEREAS, the former designations of Employment and Community Organization are obsolete and no longer descriptive of the HRC's function and responsibility;

NOW, THEREFORE, be it resolved that the Human Rights Commission designate its two divisions as the (1) OFFICE OF DISPUTE RESOLUTION pursuant to Chapter 12A of the Administrative Code, and (2) THE OFFICE CONTRACT COMPLIANCE for the City and County in accordance with Chapter 12B of the Administrative Code, and;

BE IT FURTHER RESOLVED, That all official documents reflect this corrected designation and that all appropriate boards, commissions, departments, and constituent public and private bodies be notified of this change.

Resolution 15-79

Adopted by the HRC 11/29/79

A D M I N I S T R A T I V E

City Department Positions on State Legislation

Mayor Feinstein's February Memorandum sent to all City departments and commissions regarding procedures for expressing positions on bills before the State Legislature caused some concerns at the HRC, and the Administrative Committee studied its impact carefully.

Basically, the Memorandum spelled out what steps any department or commission was required to follow if it "wishes to express the position of the City" on any bill or bills pending before the State Legislature. The Memorandum stated that they "should be aware that the ... limitation also prohibits the presentation of a department or commission's position on bills to the legislature or individual legislators unless an official position has been adopted."

The City's Administrative Code (Article III State Legislation Committee, Sections 5.5 through 5.11), the Administrative Committee found, obligated all City commissions, including the HRC, to submit recommendations for positions on state legislation to the State Legislation Committee, which is charged with formulating "...recommendations for endorsement, opposition or neutrality with respect thereto, as matters of policy of the city and county."

After some discussion and a request for clarification by the City Attorney, the HRC adopted a position in conformity with the Administrative Committee recommendation.

Qualified Support of Senate Bill 705

This bill in the State Legislature would have mandated State financial support for local human rights/relations commissions, and was eagerly supported by those communities especially where such agencies had been dissolved or emasculated following Proposition 13's passage in 1978.

Though support for SB 705 was recommended by the Administrative Committee, there were significant conditions based on HRC concerns, largely, that it did not refer to powers and duties of affirmative action in employment, or to prohibiting discrimination in real and personal property contracts such as are mandated for the HRC in Chapters 12B and 12C of the City Administrative Code.

It was feared that should SB 705 be passed without expansion into the areas above, local governments might in the future restrict human rights/relations commissions from exercising such powers. While the San Francisco HRC naturally supported efforts of small, local county commissions to get state funding, it was apprehensive of possibly jeopardizing its wider powers.

The HRC did pass a Resolution Supporting State Senate Bill 705 recommending its passage providing that:

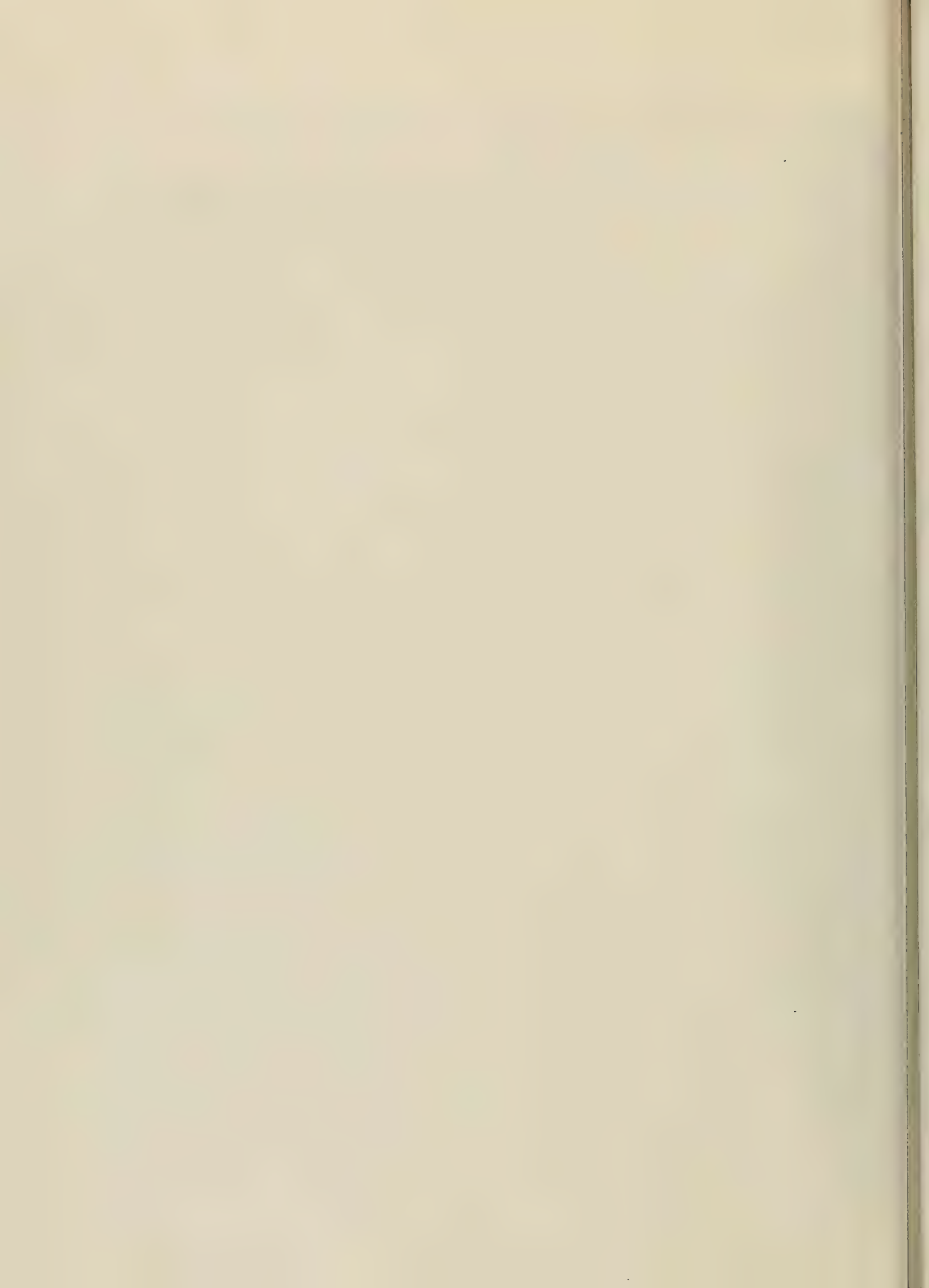
1. The bill be amended to include a nonpre-emption clause of local government functions; and

2. Language be included to assure that state funding does not serve in substitution of local governmental funding heretofore provided.

Staff was also directed to obtain from the bill's sponsor, Senator Alan Sieroty, a letter of intent that the bill was not to limit or delete any powers any existing commissions possessed.

Senate Bill 705, however, failed of passage.

DIRECTOR'S REPORTS



The HRC and its Budget for Fiscal 1979-80

Fiscal 1979 was to be the crunch year for the HRC and all other City departments in the wake of the passage of Proposition 13 a year earlier whose deeper effects were expected to be felt a year later.

Each City department, therefore, was instructed in early 1979 to prepare hypothetical budget requests at levels of 83%, 92%, and 95% of the previous year (1978-79). For the HRC, this meant cutting from 1978-79's \$317,487. The HRC, which requires some 95% of its budget for personnel costs, including fringe benefits, worked with the hope that it could count on either state supplemental funds or alternate funding, such as allocations from the Wastewater Project and the Office of Community Development.

The HRC's CETA (Comprehensive Employment and Training Act) staff of professionals and clericals found themselves in jeopardy in 1979. New federal regulations limited participation to 18 months, and set a top annual pay limit of \$8,800. Virtually all CETA people with the HRC had been in service well over 18 months, many in valuable professional job slots.

The concerns of the HRC were accelerated by the fact that 70% to 74% of its professional and clerical staff was working full or half-time in implementing its affirmative action mandate regarding City contractors.

By April, the Mayor's Office had recommended a 95%-of-budget figure for the HRC, or \$326,972, and included a small allocation from the Wastewater project. The HRC's budget request was \$327,181.

Throughout the budget process, the Director and HRC continued efforts to find transfer or alternative positions for those CETA workers who had to end their participation in that program and by the time in May that the final \$326,972 budget was announced, most of them had other jobs.

City Departments' Contract Agreements

By February 1, 1979, the HRC had completed its meetings and negotiation with all (58) City and County departments, agencies, boards and commissions which let contracts to establish a procedure for pre-award approval by the HRC of those contracts for compliance with affirmative action requirements. The establishment of this policy and procedure was begun in the Fall of 1978.

All contracts now going out from the City Purchasing Department (which lets some \$175 million annually in goods and services contracts) for more than \$50,000 include the HRC's affirmative action program requirements.

The HRC requires that:

- Chapter 12B (the Nondiscrimination Ordinance of the City's Administrative Code) be included as part of all pre-bid contract documents.

- Prior notice be given it of any contract being planned to be let by any City department at the pre-bid and pre-award level. That the HRC be privy to any pre-award meetings.
- Copies of the contracts be provided so the HRC can pre-qualify potential contractors for affirmative action compliance.

The HRC also continued discussion with other agencies for ad valorem assistance for its staff work needed to review contracts in such substantial contracts as the Wastewater construction project (See reference in separate paragraph elsewhere).

Though the pre-award review work greatly increased the responsibilities of HRC professional and clerical staff, Director Mickins stated that morale continued high and that, in his judgment, it was one of the most highly-skilled and dedicated staffs in the history of the HRC. He noted also that the City departments had been unusually receptive to the HRC's setting up its pre-award approval program, recalling the resistance and sometimes manifest hostility that prevailed in 1970-71 when the HRC first attempted to initiate this kind of program.

Meeting of Director and Chairperson with Mayor Feinstein

Chairperson David K. Yamakawa Jr. and Director Mickins met with the Mayor in January of 1979 in one of three departmental group meetings in which she outlined her general policies on fiscal belt-tightening, encouraging the contracting-out of departmental services, etc.

At this meeting the HRC learned that the Mayor considered the HRC an agency "operating a strong, fair program", and one that she looked forward to working with.

On the issue of "contracting-out", an idea that got much attention during 1979 from most fiscal conservative legislators as a means of reducing government costs, the Mayor said she would favor the policy where money could be saved without disaffecting hard-won benefits and tenure rights of City workers.

The HRC, in this connection, did receive a formal complaint charging violation of Chapters 12A and 12B from a union regarding the contracting-out of janitorial services by the Department of Public Health. In this case, three minority janitors, a Black, an Asian, and an Hispanic, were displaced and the private janitor service firm replaced them with three white employees. In this case, the HRC moved to prevent further such complaints by requiring its prior-approval rights over this type of contract. As the year went on, contracting-out actions were taken by several other City agencies, including the San Francisco International Airport, the Community College, and the Department of Social Services. The issue remained, during 1979, a concern of the HRC, particularly as it might mean jeopardy to many minority jobs.

Wastewater Management Affirmative Action Staff Funding

The HRC's affirmative action jurisdiction over this \$1.5 billion project, firmly established in 1977 and 1978, was a major part of its professional workload during 1979. As many as forty major contractors will have been involved in construction of this mammoth wastewater treatment/disposal operation for the City (the largest such project in its history) by the time it is completed in 1985-86.

After work through all of 1978 to obtain financial support for the HRC's monitoring obligation over each phase of this work, finally, in early 1979, the Board of Supervisors approved \$25,334 to provide for two HRC professional and one clerical staff to do the affirmative action monitoring. This was to cover the four months remaining of the 1978 fiscal year, and was a considerable scaling-down of the HRC request two years earlier for \$135,000. In May, the HRC submitted a supplemental funding request for the 1979 fiscal year of \$90,000, \$87,000 of which was granted in mid-August.

Of special significance to the HRC mandate was the First Phase Review of the Operations of the Wastewater Program by the Board of Supervisors' Budget Analyst Harvey Rose in November of 1979. Mr. Rose's transmittal letter to the report, which was widely publicized and commented upon, said that he had serious questions regarding the current design of the program, the availability of funding, and its administration.

The HRC was reviewed and audited as part of Mr. Rose's study. He wrote in part that the Wastewater (separate from HRC) Affirmative Action staff was assigned functions which duplicate those of the HRC and by a private consultant hired by the program. Mr. Rose recommended that:

- The Wastewater Program Affirmative Action staff should cease monitoring construction sites on a routine basis.
- The Wastewater Affirmative Action division should assume responsibility for helping contractors meet workforce requirements established by the HRC.

Mr. Rose's report emphatically emphasized that affirmative action review for the program is the responsibility of (and in fact performed by) the HRC for all construction and consulting contracts. He reported that this work was legally the HRC's responsibility for monitoring and spot-checking consultant, construction, and other contracts.

Director Mickins noted in his discussion of this report with the HRC at a regular meeting that he interpreted these and other parts of Mr. Rose's report as reaffirming that the HRC is the City agency designated legally to do this affirmative action work, and that it had been doing so efficiently.

Office of Community Development Grant

The HRC was granted \$18,000 from the Office of Community Development to monitor the grants that OCD lets to contractors in amounts \$10,000 and up. This is a federal program funding urban community centers, recreational rehabilitation, park development, tree-planting, and expansion of libraries. There is a minority business enterprise and minority employee utilization requirement.

The HRC also was recommended for a 1980 program grant from OCD in the amount of \$25,000 to set up a fair housing panel/staff to investigate and mediate housing discrimination cases. This would provide intake on suspected cases of illegal discrimination, schedule investigation of complaints, and arrange for mediation or litigation services.

Airport Commission Monitoring Grant

HRC staff members' work implementing affirmative action monitoring for contractors in the San Francisco International Airport expansion stretches back more than three years. In August of 1979, a fulltime staff worker, Lydia San Filippo, was assigned to the Airport to monitor tenant leasees and contracts in the South Central and new North Terminals.

The Airports Commission in mid-1979 budgeted \$47,000 to be work-ordered to the HRC for these services. Under HRC jurisdiction was the full range of affirmative action implementation for all firms and individuals that bid for commercial space and operations at the expanded existing terminals and the huge North terminal. By the end of 1979, the HRC was monitoring 51 leasees with long-standing commitments which generated some \$54 million in revenues annually. In the last half of the year, nine more leases were let with annual revenues over \$2,000,000. The HRC had set a policy to monitor those concessions that generate more than \$50,000 only.

Aside from these statistics, however, only two tenant concessions, a Black-owned shoeshine stand and a Hispanic-owned barbershop, were held by minorities at the close of 1979. This is apart, of course, from the construction aspect of Airport expansion.

Joseph A. Meza Named Coordinator

Joseph A. Meza was named Coordinator of the HRC staff programs during 1979. Mr. Meza was a charter member of the HRC (founded in 1964) and first joined the staff in 1966. From 1969 through 1976 he was Deputy for Youth Affairs and Programs under the administration of Mayor Joseph L. Alioto.

Director Mickins paid tribute to Mr. Meza, as one of the HRC's most dedicated and knowledgeable staff professionals.

Annual California Human Rights Organizations Meeting

Director Mickins attended this annual meeting in May in Palo Alto, near San Francisco. In addition, the HRC Housing Representative, Don Hesse headed a workshop at the conference and made a presentation on the Fair

Housing for Families with Children ordinance. The HRC had, of course, been part of a City-wide coalition that succeeded in getting this precedent-setting ordinance passed in 1975.

The main conference discussion in 1979 was on the ill-fated Senate Bill 705, introduced by Senator Alan Sieroty, and co-sponsored by Assemblyman Art Agnos. It would have provided modest matching funds to local communities to fund human rights/relations commissions.

A secondary topic at the conference was the demise of many local (small) California county and city commissions which were dissolved, disbanded, or sharply reduced in staff and funding after Proposition 13 (the property tax cut measure) was passed in June of 1978.

HRC Staff Status

During 1979, approximately one-half of the HRC's staff working under the Comprehensive Employment & Training Act (CETA) authorization (this was five out of ten; there were thirteen permanent Civil Service staff for a total of 23 professional and clerical people), were transferred to job slots funded from other departments. An effort was made to find similar job slots for the other five CETA people. But by the end of the year, all CETA staff were either transferred or had left the staff as the federal 18-month program participation limit (newly-imposed by the Congress) had been reached by virtually all of them. Some had worked as long as five years, rendering skilled professional-level service, and at no cost to the City and without Civil Service benefits.

Two professionals and one clerical worker were funded under the Wastewater Management Program; one professional contract compliance officer worked under an Office of Community Development grant.

Smallwood/Commission on the Status of Women Controversy

Mayor Feinstein in September of 1979 asked the HRC to investigate and report on allegations of race discrimination that had been made regarding the termination, by a 7 to 2 vote of the Commission on the Status of Women, of its coordinator, Dr. Catherine Smallwood. The Mayor referred to the "unusual and divisive controversy" that had developed, and said that emotionalism surrounding the case was running so extraordinarily high that she believed the HRC's evaluation as an outside party was needed.

The HRC early set its goals in dealing with two main issues:

1. The question of the termination of Dr. Smallwood by the COSW because of incompetency; and
2. The question of her termination because she is a Black woman.

A select panel of Commissioners worked with HRC staff on this assignment. Individual Commissioners noted that the HRC's role was in the interest of resolving intergroup tensions and inquiring into the possibility of discrimination. HRC staff was charged with investigating whether there was any basis for allegations that Dr. Smallwood's rights were violated.

Dr. Smallwood was reinstated as Coordinator while the HRC conducted its inquiry.

A large number of people gave testimony during what turned out to be numerous hearings the HRC held in its investigation.

It was not until November 29, 1979 that Director Mickins could report that the HRC had completed its investigation. Its findings were reported first to the Mayor and then to the COSW in executive session, and its details were thus undisclosed to the public. All parties generally termed the report as thorough and fair, and the COSW pledged to consider it in a continuing effort to resolve the matter. At year's end, Dr. Smallwood continued as Coordinator of the COSW.

City's Settlement With Federal Office of Revenue-Sharing

Significant to the HRC in this Compliance Agreement for the City to establish and implement a City Affirmative Action Employment Policy was its being named specifically as one of the certifying agencies to receive reports of the progress in implementation. The HRC (and the Civil Service Commission) was named to provide technical assistance and recommendations on effective steps to achieve equal employment opportunity. After announcement of this Agreement formally in mid-1979, Director Mickins met immediately with legal representatives of the ORS and a representative of Public Advocates, Inc., which brought the lawsuit against the City (on behalf of an Hispanic community group called Latinos for Affirmative Action) that led to the Compliance Agreement. The HRC met also with the Civil Service Commission on its designation, and a key factor, of course, was the condition that the HRC be funded for this service and that these funds be provided as part of the Civil Service Commission budget.

The HRC then submitted a supplemental budget request for \$59,044, to handle the work of reviewing 58 City departments with more than 30,000 employees, using a minimum of two professional and one clerical staff to cover the work adequately.

The formal Request for Supplemental Appropriation was submitted in October to the Mayor's Office. The HRC required support to carry out its three main functions:

1. To monitor and certify affirmative action programs of the approximately 58 City and County departments.
2. To serve as a component and member of the complaint hearing panel re: allegations of discriminations: and
3. To assist in giving technical and other aid to City and County departments in drawing up their affirmative action programs.

Frank Anderson, long a Human Relations Representative in Employment, became coordinator of the ORS monitoring operation for the HRC.

Intergroup Clearinghouse-Black/Jewish Community Tensions

The Intergroup Clearinghouse formation, announced in late November, was the outgrowth of a mid-year request from the Mayor that the HRC convene spokespersons from the Black and Jewish communities of the City to address reported communications tensions between these two groups. The specific tension-producing issues were some of the real estate development/acquisitions in the Haight-Ashbury and Fillmore districts.

The first meeting, in August, brought together representatives of the Anti-Defamation League of B'nai B'rith, the Jewish Community Relations Council, and the Conference on Religion, Race and Social Concerns. Of twenty-seven organizations invited to a second meeting, eighteen responded. As the meetings set a format for determining mutual interests and concerns for differing groups to work on, it became apparent that there were potential conflicts growing between some members of the Gay and Hispanic communities, and the Intergroup Clearinghouse idea came forth as a means of providing on the long term a basis for dealing with such problems.

In the group position statement on Black/Jewish relations finally submitted to the Mayor, the HRC Director reported that the group did not find any substantive areas of discord locally, though there are concerns of a national nature that reverberate here. The group did feel, however, that there was a need to re-state the kind of dialogue that has long existed between these two religious/ethnic minorities in order to promote a closer bond of communication.

Thus the recommended Intergroup Clearinghouse was set up, "satellite" to the HRC, to meet problem areas not already covered by its Standing Committee structure.

It was noted that the Intergroup Clearinghouse to become operational in the spring of 1980 would be City-wide in scope, with representation from all ethnic/religious minority communities.

Complaint Regarding War Memorial Board of Trustees

A formal complaint that the War Memorial Board of Trustees failed to attach a copy of Chapter 12B, the Nondiscrimination Ordinance, to a contract let to an executive search firm, as is legally required, led to the Mayor's asking the HRC to investigate in November of 1979.

Underlying the issue was the announced hiring of a candidate to be the managing director of the new Performing Arts Center (due to open in September of 1980), passing over the incumbent acting manager. His challenge to being denied the post was couched in terms of his charge that his homosexuality was a determining factor. The executive search firm had produced only one candidate, and he was described as "...every inch a family man...and all-American..."

However, the HRC's concern was purely on whether the Board of Trustees had attached Chapter 12B. A Citizens Committee for the Reform of the San Francisco War Memorial Board of Trustees filed a formal complaint with the HRC almost simultaneously with the Mayor's request for investigation.

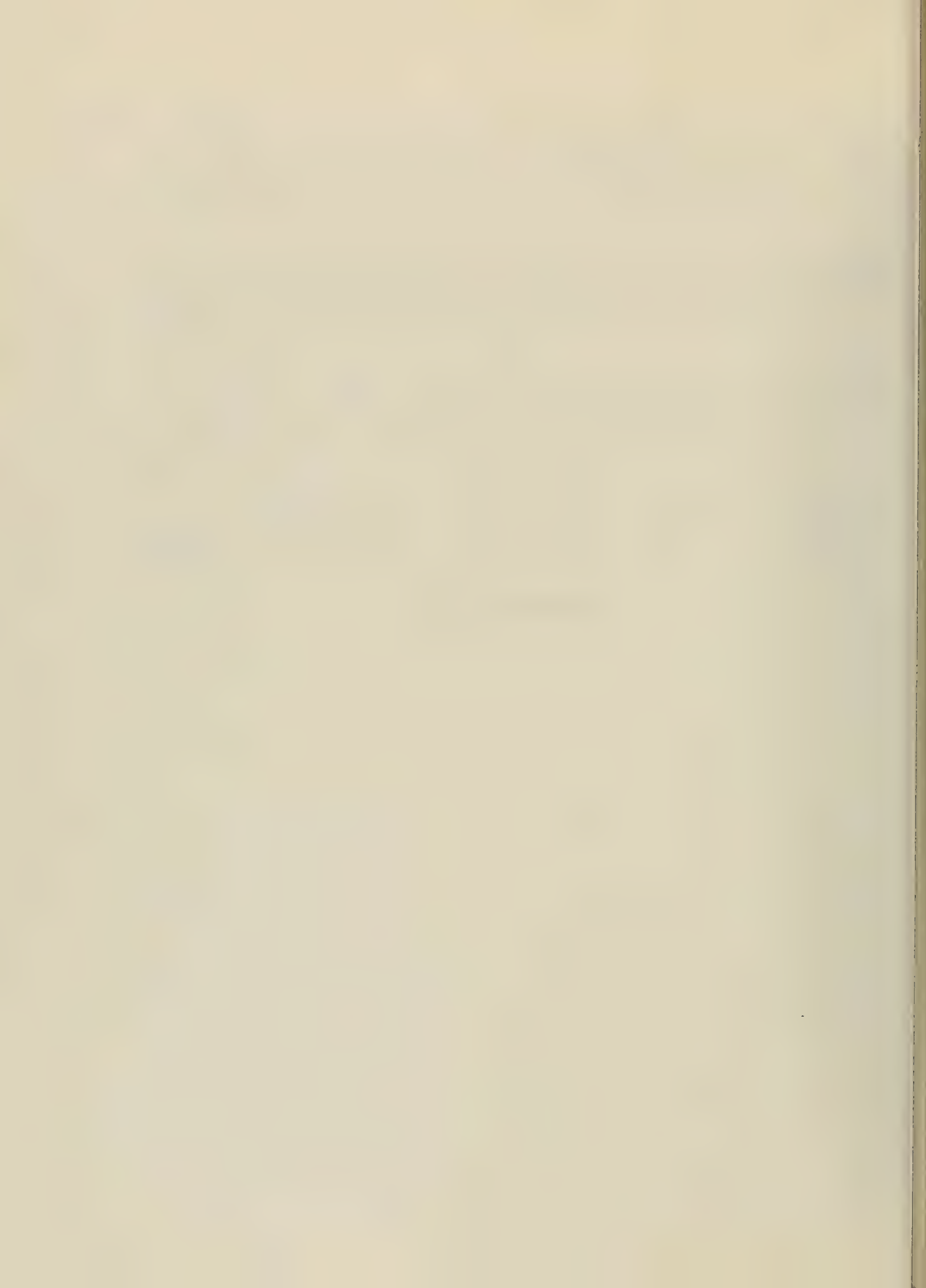
Director Mickins reported in December to the Mayor that since the work (the search firm's job in finding a directorial candidate) had been completed, "...it is too late to incorporate Section 12B.1; however, I am compelled, in view of this lapse in procedure, to remind the War Memorial Board of the Chapter 12B requirement."

In addition, Director Mickins wrote to Frederic Campagnoli, the Board President, reporting that his review indicated that the Board failed to follow the requirements of Chapter 12B.1 and that "...failure to include Chapter 12B.1 represents a serious harm to the rights of those protected classes whom the ordinance was designed to protect."

Mr. Mickins also noted in his report that there presently is no penalty set forth in Chapter 12B for failure to attach it to contracts. The HRC was thinking about recommending an amendment to Chapter 12B to do just that.

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EMPLOYMENT



North Point Pier, Inc. Workforce Analysis Report

Apart from the Director's 1978 Finding of Noncompliance against North Point Pier, Inc., the development firm, headed by Warren Simmons, for a complex of tourist shops and restaurants built at Pier 39 on the Embarcadero, on the City's East waterfront, in early 1979 HRC staff did a long interim report on recruitment results and the workforce breakdown for the operation. The interim report covered operating workforce data from the time the Pier 39 business opened in November of 1978. In addition, there was a description of the minority and men entrepreneurship goals achieved by Pier 39 among its sub-lessees, plus a brief analysis of the recruitment drive. Thus the report did not concern the construction workforce of the prime lessee and its subcontractors which was the object of the Director's Finding on Noncompliance.

Surveyed were the major components of the Pier 39 workforce: administrative, games area employees, security force, maintenance staff, and restaurant workers. There was a total minority workforce of 43% in those categories. In supervisory positions, the same figure, 43%, was reported for females and minorities separately.

North Point Pier, Inc. (NPP) had publically committed itself to the HRC to an aggressive affirmative action hiring program working with many community-based referral agencies. In three main categories of jobs, administrative, restaurants, and security, the minority referrals hired ranged from 13% to 31%. Overall, one in five referrals was hired, a fact commented on by the HRC's contract compliance officer, Don Hesse, who noted that the developer's public stance to counter environmental impact objections to the project initially had been that it (the project) would create hundreds of minority jobs.

A goal of 25% of the available commercial spaces for minority and women entrepreneurs also was set by the NPP management. Of the 23 major restaurants, 11, or 43%, were owned by minorities. None were owned by women solely, although women were named in some instances as partners with their husbands.

Of the 105 "boutique" or specialty shops, 14, or 14%, were owned by minorities, and 25, or 23%, were owned by women.

By the end of the year, however, as inflation began to cut down in the volume of tourist business, some of the businesses began to falter. Notably hard-hit were the restaurants, which ranged from across-the-counter fast-food dispensers to expensive. A number of them had closed, in many cases because there was apparently too much competition from the sheer numbers.

North Point Pier, Inc. Appeal of Noncompliance Finding

Throughout 1979, the HRC was involved in the procedures of hearing this appeal, and on negotiation attempts to effect some kind of settlement with this development organization which built and operates an extensive Embarcadero complex of tourist-oriented shops and restaurants. The first appeal hearing was scheduled for February 15, but continued to March 29. The HRC was represented by David Goldman from the City Attorney's Office, and North Point Pier, Inc., by Steven H. Herman, of the firm of Rudy, Rapaport and Holden. The March 29th hearing was postponed at the request of the City Attorney's Office, and was rescheduled for May 8; that was cancelled and re-set for June 13, which in turn was cancelled at appellants' request and re-set for August 9. Mr. Herman did appear at the August hearing (which was heard by 12 commissioners for one full day) to discuss a number of procedural items with the HRC panel. Officers of North Point Pier, Inc. including Warren Simmons, Arthur Hoppe, Gilbert K. Freeman, and Sidney Rudy, were asked to appear at a hearing set for September 20; that hearing was cancelled for reasons that included the heavy involvement of North Point Pier, Inc., in a lawsuit brought against it by the City and County. In October of 1979, the City suit (conflict of interest) moved towards a settlement, which was reached in December. An HRC hearing set for December 20, however, was cancelled due to what Director Mickins reported were "strong indications" that Mr. Herman would seek a settlement. But at year's end, the matter remained unresolved and the Director's Finding of Noncompliance in the construction phase of the Pier 39 development still stood.

Airport Design Consultants' Affirmative Action

The HRC Design Team of two staff working to implement Chapter 12B with City contractors at the San Francisco International Airport presented, through Vicky Rathbone, an HRC Contract Compliance Officer, this seven-page narrative/statistical report.

Since the HRC's Affirmative Action Requirements for Design Consultants naturally are a prime factor in its work, and since this document, particularly as regards defining "small" minority or woman-owned businesses, was of wide community interest, at the same HRC meeting where the Design Team's report was presented there ensued a lengthy public discussion involving many design representatives. See an account of that discussion below.

Until late 1978, the Rathbone presentation noted, all architectural work at the Airport had been awarded to a joint venture of two firms (John Carl Warnecke and Associates, and Dreyfus and Blackford). The joint venture had hired several minority firms for design in the expansion areas of the Airport such as the North Terminal, Control Tower and garage, etc.

The HRC's requirements for affirmative action, the report said, was, through error, omitted from Requests for Proposal sent out for work on the South and Central Terminals. But the two firms that got the terminal projects did meet goals for minority business participation. One minority-owned structural engineering firm got about 30% of one project; a minority firm was selected as landscape architect; and one minority firm was chosen as mechanical/electrical engineer on another project.

A woman-owned energy consulting firm, Willis and Associates, was believed to be the first woman-owned firm hired by any agency of the City for a major project.

The importance of requiring that the affirmative action requirements be attached to Requests for Proposal was emphasized by the Design Team, citing the difficulty of small firms competing with older, larger, well-established ones in their ability to make elaborate presentations.

This report was made in early 1979. During 1978, minority architects were hired to design a fire building and redesign the engineering building. Active solicitation by the City of minority and women-owned firms' proposals on minor projects came out through HRC staff and minority professionals' negotiations with the Airport largely in reaction to the continued use of a "shortlist" of architects. The "shortlist" is the six most qualified firms that were interviewed by the Airports Commission for two major projects during 1978.

Ms. Rathbone said there were more than 200 minority and women-owned design professional firms in the Bay Area. They showed intense interest in the Airport projects, and felt strongly that they were not adequately represented on Airport projects in the past. Though there was resistance to the minority insistence that these firms participate in all aspects of the work (architecture, engineering, landscaping, etc.), with HRC support some of the firms involved in the two Airport projects were receptive to, and voluntarily implemented, the idea.

For the report period, the professional level (architects, engineers) hires for both minorities and women were 29%; 38% minorities, and 21% women were hired in the technical level (draftspersons, engineering aides, etc.). In all job categories, minority hires were 31% and women hires were 42%.

Affirmative Action Requirements for Design Consultants

Lively community input on this document at the level of the Employment Committee led to the scheduling, in December of 1978, of a public hearing to which some 200 sources were invited (thirty-some firms and organizations attended). For a month following the hearing, the HRC invited others to lend their suggestions to the HRC Affirmative Action Requirements document which had been in use since 1977, and which was widely felt to be inadequate as regards minority business enterprise participation

opportunities. Before the hearing, the HRC had drafted proposed changes, and reaction was sought from local architectural and engineering firms, all design firms that previously had competed for City and County work, all known minority or woman-owned firms, professional organizations, and community-based groups specializing in minority job and business development.

Among the changes proposed were:

- the addition of "disabled" to "minority and women" in all categories of employment to be considered part of the Employment Expectations section of the document.
- increasing to 25% the goal of a portion of the design fee for each project to be subconsulted to minority businesses.
- a section called Scope of Minority and Woman-Owned Business Participation covering prime consultants and major subconsultants asked that they "attempt to hire a small minority or woman-owned firm..." when their fees were, respectively, in excess of \$750,000 and \$75,000 to assist them in their work.
- that the exact extent and scope of participation of minority and woman-owned businesses on the project will be the subject of negotiations between the consultant and the City and County on an individual basis.

More changes were proposed for the section, Evaluation of Affirmative Action Proposals, stating that the HRC could not approve a consultant selection unless a good faith effort has and/or will be made to meet affirmative action goals, guidelines, and expectations.

It was noted that in addition to the public hearing, Employment Committee discussion, the seeking of widespread community input, etc., meetings had been held with City departmental heads as well.

Eventually, after all the above-cited activity and discussion and debate, the HRC adopted the proposed amendments and changes in the HRC's basic document, Affirmative Action Requirements for Design Consultants

City Employees Union Proposals Regarding CETA Workers

The HRC, like other City departments, was deeply concerned in 1979 with the status of the CETA (federal Comprehensive Employment Training Act) workers. Local 400 proposed a number of Civil Service rule changes for both temporary City workers and CETA workers.

There were, in 1979, 11,300 such workers, 2,314 temporaries funded under CETA, and 9,086 regular Temporary workers. Temporary workers had no fringe benefits such as medical care, retirement, Social Security, etc. Some remained for many years at step one of the (five-step) regular Civil Service in-grade salary scale. In addition, many Civil Service examinations traditionally are open only to permanent-status Civil Service employees. On layoffs, a permanent worker could be retained over a 10-year veteran temporary worker. Permanent workers were 59% White and 40% minority; Temporary workers 47% White and 53% minority; CETA workers 23% White and 77% minority.

The HRC endorsed the proposed Civil Service Rule Changes for Temporary and CETA Workers regarding examination rights, seniority accumulation, promotional eligibility, and layoff rights.

These rule changes, however, were not adopted during 1979, although some of the components were incorporated in the Compliance Agreement the City signed with the federal office of Revenue sharing (see section in this report).

Minority Business Participation in City Construction

This was the second report on the status (as of November 30, 1978) by the HRC's veteran Contract Compliance Officer, Stanley Lim, on the status of the participation of minority business enterprises in City construction contracts monitored by the HRC. The first was in October of 1977. The 1979 report was the fourteenth in a series of affirmative action activities progress reviews in construction since 1970.

The report covered 35 active contracts awarded by the City Airports Commission, the Department of Public Works, the Wastewater and Moscone (formerly Yerba Buena) Convention Center projects, and the Port of San Francisco. Contracts awarded by the Public Utilities Commission were not included.

Mr. Lim reported that more minority contractors (90 at that time) than ever before were involved in City construction, and that every contract within the scope of the HRC's affirmative action requirements under Chapter 12B of the Administrative Code had substantial minority participation. These 35 contracts totaled \$300 million, up from the \$197 million total a year earlier. Minority businesses held contracts worth more than \$37 million, a new record for their participation. This was 15.2% of the total, compared to the 11.9% or \$9 million participation in 1977.

The ethnic breakdown for contract-holders among minority groups was:

Black	\$15 million	6.2%
Spanish-Origin	\$15 million	6.2%
American Indian	\$253,860	0.1%
Asian	\$4 million	1.9%
Minority Truckers	\$2 million	0.8%

The minorities' \$37.8 million share represented an increase of 330% in terms of dollar volume for minority business enterprises when measured against an increase of slightly more than 200% in the total cost of all construction contracts in force as of November 30, 1978.

The ninety minority firms covered a wide range of work contracts, from general contracting to specialized engineering. More than half of the firms were bidding for City work for the first time, but there were still difficulties in ascertaining why more minority firms did not bid. More than 800 minority-owned firms were listed in 1979 in the Minority Business Enterprise (MBE) Directory of the San Francisco Redevelopment Agency.

The largest award to a minority business on a City contract was nearly \$8 million, the smallest for \$1,000. Among the ninety minority contractors were some Filipino-owned firms, a few American Indian firms, but no minority women-owned companies.

Lim reported as well that one area of virtually full employment was the minority trucking business, due to the unprecedented amount of earth removal and land-fill activity in the Wastewater project and the mass excavation of the Moscone Convention Center site. This was possible because a special provision in the HRC's affirmative action requirements for these projects assisted minority operators.

Problem areas in implementation of this work included:

1. Continued understaffing at the HRC, where one permanent contract compliance representative and one CETA worker also had additional compliance tasks.
2. The inability to obtain precise information on the extent of nonminority women-owned contracting firms in the area.

The HRC at the time of this report hired a professional auditor to augment its monitoring process under a limited grant from the Moscone Convention Center project. If it were found that a firm bidding for MBE consideration did not qualify for bona fide minority status, the HRC Director would issue a Finding to the awarding agency, which had the option of declaring the bidder ineligible.

Mr. Lim credited the apparent success of the ninety minority contractors not only to the HRC affirmative action work, but also to their cooperation. He looked forward optimistically to future developments as a means of increasing MBE participation, looking to the day when minority and woman-owned firms could become mainstream, or prime, contractors.

Most minority firms, he said, have good records internally in having well-balanced minority workforces.

City Suppliers and Contract Compliance

This report covered the HRC's new approach to the awarding of City contracts by obtaining formal agreements with each department and commission for the implementation of the Nondiscrimination Ordinance (Chapter 12B) with all contractors bidding for City business. The HRC's late-1978 meeting with some 40 major City departments set up the procedures which included primarily:

1. Solicitations of Request for Proposals (RFP)
2. Negotiation
3. Pre-bid and/or
4. Pre-award

This essentially is the HRC's "prior approval" (for conformity with affirmative action guidelines and rules) of all City contracts.

The City departments agreed that a copy of Chapter 12B would be included in all contracts; that the contractor would be required to take affirmative action in employment and treatment of employees; that the contractor would establish eligibility to bid; should submit an affirmative action program meeting HRC requirements; and that the awarding agency would be responsible for notifying the HRC of each contract being proposed to be put to public bid.

At the end of 1978 the HRC provided copies of its Procedures to Implement Affirmative Action Requirements for Suppliers for contracts more than \$50,000 to the City Purchaser's office, including a three-page HRC evaluation procedures list and questionnaire. The latter provides the prospective supplier/bidder with information on business participation, employment, and compliance; it notes goals and timetables to be established; and it outlines the HRC's review part of the evaluation process. Failure to complete it or submit it means ineligibility for the bidder.

The "prior approval" approach/policy was designed to alleviate the problems met formerly because of the diverse types of companies doing business with the City and the difficulty of the HRC's selecting those to be monitored from the many separate bidder lists then kept by the City Purchasing Department. Thus, with prior approval, monitoring problems can be anticipated and corrected before a contract is awarded.

From the Report made by Alberta Grant, the HRC's Affirmative Action Officer with City suppliers, the following points were made:

1. Minorities were slowly gaining a wider representation in contractor workforces. The 1978 figures, which were the basis of this 1979 report, showed that while the total number increased, the percentage participation dropped from 26% in 1975-1976 to 19%.
2. Minority males continued to be represented primarily in the semi-skilled laborers and service categories, with minimum participation above clerical levels.
3. Women continued to be well-represented in jobs above the clerical. Many of the above-clerical positions tended to be promotional, leading the HRC to emphasize entry-level hiring and outside recruitment for officials and managers, sales people, professionals, and technicians.

Seventeen companies covered in Ms. Grant's report showed varying degrees of problems in affirmative action. All were required to establish an Affirmative Action File, the primary purpose of which is to keep the employer in contact with community-based minority referral agencies. Conditional approval was granted problem companies, subject to improvements being made and submitted. Two immediate goals were the addition of sexual orientation to the protected categories, and getting employers to break down the Asian category into Chinese, Japanese, and Filipino.

Apprenticeship Opportunity Foundation Report

Danny Miranda, formerly an HRC Community Liaison Worker who went on to become Director of the AOF, sent his deputy, Ms. Eleanor Yaranon, to the HRC for a status report.

The HRC was one of the originating forces for the establishment of the AOF in 1968. The Foundation assists minority men and women in qualifying for and seeking employment in various apprenticeship programs in the building and construction trades. The trade unions in these areas were founders, and are supporters of the AOF. It is funded by the U.S. Department of Labor and sponsored by the San Francisco Building and Construction Trades Council. A board of directors includes representatives of labor, business, and the community. The annual job-placement goal is 160 minorities and women.

The AOF had made some 1,300 placements in the ten years since its founding, working with a number of key employers in the private sector and the building and construction trades.

The program continued to aim at setting up pre-employment training through private support to prepare young people for entering the labor market and for staying in it. Problems in the past had developed because of young people not knowing what to expect in the way of working

conditions in blue-collar employment, such as shift work, promotional levels, and so forth.

AOF does extensive outreach and recruitment of minorities and women, as well as job development and monitoring of hiring patterns. It has, according to this report, "thousands" of applicants. Its training includes upgrading basic skills in reading, writing, and mathematics. Tutors at AOF help its applicants prepare for General Education Development (GED) tests if they do not have high school diplomas.

Follow-up is done at 12-week and 6-month intervals on clients. Dropout rates in those trades (painting, carpentry) where work is sporadically available tend to be high. And the AOF reported that the job-retention rate is low for women still because they are entering trades where the sex barriers have just recently been broken.

Revision of HRC's Affirmative Action Program/MBE

Revisions to the HRC Affirmative Action Program for Construction Contracts (originally adopted in 1976) were required following action of the federal Environmental Protection Agency's directive in December of 1978 which made it obligatory for all local recipients of federal money for clean water projects to adopt a minority business enterprise (MBE) policy encompassing federal guidelines.

On the state level, the Division of Water Quality followed the federal directive in early 1979 with its Minority Business Enterprise Requirements for Construction Contracts as part of its Clean Water Grant Program Bulletin.

The DWQ did announce that the HRC's proposed changes relating to MBE were in compliance in March, and the program was approved as adopted by the HRC's Employment Committee and adopted at the April meeting of the HRC.

A major and substantial change in the HRC's AAP was the increase from 10% to 16.1% of the minimum participation level for minority business entrepreneurs in contracts predominantly involving heavy construction such as the Wastewater program.

Stanley Lim, HRC Contract Compliance Supervisor, said that the federal actions had come about because past discrimination continued to be a factor in the extremely low participation of MBEs in federal contracts (only 1.2% of the total).

The HRC's AAP revisions focused on several main areas:

1. An increase in the MBE goal from 10% to 16.1%.
2. A change in the definition of minority terminology categories to: Black, Hispanic, Asian and Pacific Islander, and American Indian or Alaskan Native.
3. Strengthening of the definition of MBE as "...a business, whether it is a company or a corporation, of which at least 51 percent (formerly 50 percent) of the interest is owned and controlled by one or more minority group members who are citizens (formerly residents) of the United States."

These and other factors in the revisions were the subject of in-depth discussions at both the committee and HRC level. The HRC document also added a statement that, "The minority participant must be utilized to perform work or supply products and not act as a mere conduit."

In a further report later in 1979, modifications were made (adopted) to Part III of the HRC's AAP in Construction. These grew out of numerous complaints to the HRC about the dominant role by one large specialty contractor claiming to be a minority-owned firm, in the Moscone Convention Center contract. Mr. Lim noted that he had compiled a list of 80 top specialty contractors in both the mechanical and electrical fields and 400 of the largest general contractors in the nation; that list contained one minority-owned firm name. Ninety percent of the 700-800 minority-owned construction firms in the Bay area were said by Mr. Lim to be small ones. He asked the HRC for staff authority to adjust top limit qualification levels (\$5 million in annual business for a general building or engineering contractor; \$1.5 million for a minority-owned specialty contractor) to the annual inflation rate, when at the time of his report (mid-May) was averaging 10% a year.

Many representatives of small and minority-owned firms testified publically at the HRC on these modifications. Some said the top limit gross earnings figure needed flexibility and they supported the modifications. Others favored upper limit increases, to permit minority-owned firms that were growing to continue to be eligible under MBE guidelines. One man noted that there were fewer than ten Black-owned firms in the nation doing more than \$10 million annually in construction work.

The HRC had earlier invited various minority contracting associations for their input. Few did so, but HRC research showed that 90% of the Bay Area minority-owned firms would benefit from the changing of the annual gross earnings limits.

After sometimes-strong testimony/debate at the HRC meeting discussing these modifications, and after there had been exhaustive study and discussion at the Employment Committee level, in May the HRC sent the modifications back to Committee for further public input.

The HRC subsequently (Employment Committee) held a special meeting with representatives from various minority contractors groups, the Associated General Contractors, the San Francisco Electrical Contractors Association, and the City awarding Agency (at which the concept of size standards was reaffirmed), and then the full Employment Committee met on the subject.

At a June 28th meeting of the HRC, staff went through the arguments pro and con, in detail, on the concepts of inclusion of small businesses, and on the application of size standards. After much discussion, the HRC voted to modify the part of the HRC Affirmative Action Program for Construction Contracts, Part III, Establishing Goals for Equal Opportunity in Entrepreneurship, Article 2, Relation to Small and Economically-Disadvantaged Minority Contractors, as follows:

"A qualifying Minority Business Enterprise (MBE) is a business, whether it be a company or a corporation, of which at least 51 percent of the interest is owned and controlled by one or more socially and economically-disadvantaged minority group members who are citizens of the United States. Otherwise the 51 percent may be owned or controlled by citizens or legal permanent residents of the United States who are socially or economically-disadvantaged minority group members." And "Exemptions from (the above) gross annual receipts limits may be made only if all of the following conditions exist:

- a. The contract amount is \$15 million or more.
- b. No qualifying MBE in this geographical area is expected or available to bid.
- c. Without the nonqualifying MBEs' participation, the HRC's MBE goal cannot be reasonably met.
- d. The nonqualifying MBE has appealed formally to the HRC for exemption."

In the vote to adopt the modifications, Commissioner Caryl Mezey commented that they spoke to large contracts where there is no qualifying bidder and to preserve the fact that the small contracts will not be taken away from small businesses by the large contractor.

HRC Action on School District Construction Contract

Acting after community concern arose over a proposed Board of Education resolution that would have exempted Sarah B. Cooper elementary school reconstruction contract from the Board's affirmative action policy, the HRC discussed the matter in full at the Employment Committee then came to the full HRC with a recommendation on the proposed resolution.

It was noted that the HRC had, in the past, monitored San Francisco Unified School District construction projects for affirmative action, but that the District changed to self-management in 1976. It set up a 3-person affirmative action staff, one of whom was trained in the HRC's office.

The HRC recommended in this instance that the proposed resolution wording calling for the District to exempt this project from the affirmative action policy be deleted and substituted with:

"That the School District, in spite of this exemption, encourage all prospective contractors to meet the goals of affirmative action policy in good faith and that the SFUSD voluntarily put itself under the HRC's Affirmative Action Program for the purpose of enforcing and monitoring the provisions of 12B of the Administrative Code with regard to all contracts related to the reconstruction (project)..."

Architects/Engineers and HRC's MBE Definition Issue

A minority-owned civil engineering firm's protest over the HRC's standing limitations (maximum of ten employees; annual gross receipts more than \$750,000) for qualification for minority business enterprise (MBE) participation in the Spring of 1979 triggered several weeks of debate and discussion, with community input at both the committee and full HRC level before the issue was resolved. The limits had been adopted at the beginning of the year, but the firm (Jordan/Avent & Associates) said that the restriction had cost it a major project contract, and would prevent any minority-owned firm from getting a prime contract. In addition, the firm's president pointed out that federal policy was to stress "capacity building", or upgrading minority-owned firms for major contract competition ability.

Though this issue had arisen only a few months after long Employment Committee and HRC consideration had adopted the standards, on a narrow vote of 5 to 4, the HRC voted in April to temporarily suspend the size limitations, called formally Affirmative Action Requirements for Prospective Consultants, as they applied to the HRC policy on MBEs for a further staff report. A special meeting of the Employment Committee to receive public input was then held. This special meeting concentrated on two important policy issues:

1. Design Consultants-suspension of the minority and women-owned business participation goal of 12.5% pending a further report.
2. Construction Contracts-consideration of possible modification of the HRC program to include a goal designed specifically to facilitate the participation of small minority-owned firms. This had been added as a topic subsequent to the April HRC meeting at which limitations were protested.

But it took a second special meeting of the Employment Committee, attended by 45 persons and which lasted three hours, before final recommendations on design consultant participation goals for minority and women-owned businesses were adopted by the Committee.

A long and detailed analysis, with background research and statistics, was given verbally to the HRC at its May 24, 1979 meeting by Vicky Rathbone, HRC Contract Compliance Specialist, from her report, Affirmative Action Requirements for Small Businesses.

The policy which the HRC had suspended temporarily pending these meetings and public input had included the following goals and guidelines:

1. Minority businesses to be hired to perform 25% of the contract work, half of which, or 12.5% to be awarded to small minority businesses.
2. On large projects over \$750,000 in total fees, and where major work is subconsulted (over \$75,000) small minority or woman-owned firms to be hired to perform portions of the prime and subconsultants' work .

There were four principal problem areas identified as arising from the suspended MBE goal:

1. Inhibition of the growth or capacity-building potential of small businesses.
2. Definition of the size of a firm that constitutes socio-economic and competitive disadvantage.
3. Lack of encouragement of Joint Ventures.
4. Need for special consideration for minority groups under-represented in the design professions.

In conjunction with Ms. Rathbone's verbal report, and following it, a number of representatives of architectural and engineering firms addressed the HRC, virtually all of them in favor of its recommendations and for the lifting of the temporary suspension.

The HRC then debated the matter and finally voted to reinstate the minority and woman-owned design consultants business participation goal that it earlier had suspended (see above).

It also voted adjustment of the definition of a small engineering firm to 20 (rather than 10) or less employees and \$750,000 in gross receipts. This then included 84% (or 32 out of 38) of minority-owned engineering firms in the Bay Area.

Affirmative Action by Banks and Savings & Loans

The HRC's work with banks and their affirmative action programs dates back to 1971, when it began monitoring, through analysis of workforce reports, the minority participation in employment. Its work is possible because banks holding City deposits are City contractors and come under Chapter 12B.

In 1979, the HRC revived considerably its work in this area which, because of understaffing, had not been fully implemented for some time. The exception was the continuing work with the Hibernia Bank, with which the HRC had concluded a precedent-setting and highly-successful program in 1974 for a wide-ranging affirmative action program.

Donald Hesse, the HRC Contract Compliance Representative who gave this status report in April, covered the 22 banks then holding City and County funds. The four largest banks in the City (Bank of America, Wells Fargo, Crocker, and Bank of California) had minority workforce totals of, respectively, 44%, 43%, 33%, and 61%.

Asian-owned banks (primarily Sumitomo, Bank of Canton, Sanwa, California First, Bank of the Orient, American Asian, and Mitsui) reported large minority workforces ranging from 70% to 92%.

All of the ten major banks holding City deposits between 1970 and 1978 showed increases in their total minority employee figures, with the exception of California First (which was acquired by a Japanese company in that period). Bank of America rose from 29% in 1970 to 44% in 1978; Wells Fargo from 35% to 43%; Hibernia from 16% to 41%; and Barclays from 9% to 45%.

Cumulative figures for ten savings and loan institutions holding City funds showed a total minority workforce of 46%. City deposits only began in savings and loans in 1979.

HRC announced two primary immediate goals:

1. To set up criteria by which to measure bank compliance.
2. To set up means to evaluate minority-owned banks, which often show heavily-proportionate minorities, but very little participation by non-Asian minorities. This was not the first time the HRC had addressed the minority-owned bank workforce dilemma. In the past, one suggestion had been that these banks be considered liable for general-population goals if they advertise for business from the general population.

In a subsequent report by Mary Gin Starkweather, an HRC Employment Compliance Specialist, the criteria and procedures for measuring and evaluating banks and savings and loan institutions were explained in detail. The HRC's first steps were usually to bring about more active and widespread recruiting from community resources and referral groups. Focus is placed on internal training and upgrading when there is a concentration of women and minorities in work categories below managerial and official levels.

Financial institutions were being asked to achieve San Francisco population parity of persons 15 years or older, and they were being required to have programs designed to achieve ethnic balance at all job levels. Seventy percent of population over 16 was chosen by the HRC as being the threshold step for ethnic participation.

Other factors considered in evaluating the banks' performance were past history of progress, rate of growth, use of nontraditional recruitment sources, whether its workforce were so small that individual minority classes cannot effectively be broken down, etc.

At the time of this report, in late summer, 1979, Ms. Starkweather set as future HRC work concentration:

1. Close monitoring of hiring and promotional progress.
2. Drafting of the HRC's Affirmative Action Requirements for Banks document.
3. Revision of the HRC questionnaire to include reports on hiring, training, and promotion of the disabled as well as minorities and women.

Ms. Starkweather noted that banks had reported difficulties in identifying disabled hires because of the reluctance of many such candidates to self-identify as disabled, and she said that the banks would be asked to report such candidates and hires "to the best of their ability" to identify them.

It was noted by Director Mickins that possibly as much as 25% of the HRC's complaints caseload may be from bank employees alleging discrimination.

Subsequently, action by the California Bankers Clearinghouse Association challenged the HRC's jurisdiction in issuance of its work-force questionnaire. The City Attorney's Office was advised that the association, representing the major City banks, intended to litigate on this basis and on the basis of pre-emption by State Labor Code 1431. At year's end, at the request of the City Attorney's Office, the HRC had extended its deadline for return by the banks of the recruitment, hiring, and training practices questionnaire. Director Mickins commented that the announced intention of the banks to make a legal challenge to HRC jurisdiction was a "major attack on the HRC" in carrying out its work on City contracts.

Hibernia Bank Affirmative Action Status

Hibernia's 1974 Memorandum of Understanding with the HRC regarding affirmative action in recruitment, training, and maintaining its minority workforce had set up long-term goals and timetables, and its unique record in passing its goals made it the subject of an extensive report during 1979.

With a workforce divided into six categories (Officers and Managers, Professionals, Technicians, Office and Clerical, Operatives, and Service Workers), in the words of HRC staff member Don Hesse, "Hibernia progressed from an overall point of view steadily and successfully, surpassed the original goal, and continued to better it." That original goal had been to reach overall minority employment of 34% by 1977. That total minority employment figure reached 41% by October of 1978. For the calendar year 1978, Mr. Hesse reported that 50% of all persons hired by the bank were minorities. Blacks were 11% of all hires; Asian/Pacific Islanders 30%; Spanish-Origin, 10%; and females 66%.

Hesse and the HRC, commended Hibernia for its substantial outreach effort under the Memorandum of Agreement.

Affirmative Action Work with Design Consultants

The HRC's affirmative action work with design consultant firms began when the long-term, \$1.5 billion Wastewater program got underway in late 1976. With most of the funding for the seven-year construction of sewers, treatment plants, and outfall facilities serving the entire City coming from state and federal sources, the City had to comply with both state and federal affirmative action regulations in order to qualify for any future construction cost grants. This reinforced the HRC's role as the mandated affirmative action monitoring agency of the City.

Design consultant firms include architects, engineers, environmental analysts, landscape designers, and social and urban planners. These firms are responsible for developing the design of a construction project, and for supervision and consultation during the construction phase.

Compiler of this annual report for the HRC is Ed Vurek, an HRC Contract Compliance Officer.

In its negotiation of affirmative action agreements, the HRC established a procedure with the Wastewater program staff which stipulated that it would be:

1. Supplied with each RFP (Request for Proposal) for a project.
2. Given a list of all firms receiving RFPs.
3. Invited to take part in all pre-proposal meetings and selection interviews with design firms.
4. Notified immediately of final selection of a design project.

Acceptable affirmative action agreements reached by selected firms with the HRC staff include such elements as:

1. General statements of nondiscrimination in accordance with Chapter 12B.

Financial institutions were being asked to achieve San Francisco population parity of persons 15 years or older, and they were being required to have programs designed to achieve ethnic balance at all job levels. Seventy percent of population over 16 was chosen by the HRC as being the threshold step for ethnic participation.

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Acceptable affirmative action agreements reached by selected firms with the HRC staff include such elements as:

1. General statements of nondiscrimination in accordance were Chapter 12B.

2. Agreement to disclose names of all subcontractors, and to inform them of their compliance obligation under 12B.
3. Expansion of recruitment efforts by using minority and female referral services and news media regularly.
4. Specific minority and women hiring goals.
5. Specific minority and woman-owned businesses participation goals.
6. Agreement to use existing training or to establish other training programs.
7. Reporting requirements during the term of agreement.

The HRC determines compliance with these agreements (which are not restricted to the above) by evaluating monthly reports on employment activities and on-site visits.

In addition to the Wastewater program, the HRC staff was monitoring during 1979 design projects for the San Francisco International Airport, the Recreation & Park, Public Works, and City Planning departments, the Port Commission, and the George R. Moscone Convention Center.

Mr. Vurek's report in the Spring of 1979 was for the period from July of 1978 through March of 1979. During that time, the design firm minority workforce increased from 27.3% to 29.2%. The report noted that hiring goals set for these firms had resulted in a high degree of employment for minority group professionals in the design fields, and that a continued increase in minority employment was sought. At the end of the reporting period, minority women's participation above the clerical level had increased from 3% to 5.6%, and the participation of women overall above the clerical level had risen from 12.8% to 18%.

The acceptance of the training concept in the HRC guidelines had a great effect on bringing minorities and women into the design field. The original design agreements required participation in the Engineering Societies' Committee on Manpower Training program, (ESCMT), a relationship that goes back to 1976 when the original HRC work in this field began, as noted. During the reporting period through March 1, 1979, there were twenty ESCMT job placements; 17 were minorities, and 3 were women.

Problem areas Mr. Vurek cited in the employment program for design consultants included the possible under-utilization of an ethnic or racial group, and possible underutilization of minority recruitment agency sources.

Forty-one design consultant firms were being monitored by HRC staff at the time of this report. They had a total of 1,175 employees, 1,022 of them at above-clerical levels, with 342 (29.2%) minorities, and 58 (5.6%) women .

MBE Participation in Phase II of Moscone Convention Center Project

Stanley Lim of the HRC staff reported as of May in 1979 that of the total of \$79,868, 064 in contracts awarded, minority-owned firms received \$12,281,711 or 15.3%. Black firms received 35%; Hispanic, 64%; with Asian and American Indians each less than 1%.

Phase II was the underground construction and finishing work for the huge Center in downtown San Francisco covering several square blocks.

In Phase I, or excavation and shoring part of the project, minority contractor firms received 15.4% of the contracts in the amount of \$560,700, Mr. Lim said.

Very few Asian contractors, it was reported, were willing to bid on Phase II contracts.

The HRC utilized an audit firm to ascertain the bonafide minority status of those bidding for MBE eligibility. This was seen as something unique in the field, the use of an outside auditing firm to study bidders and disqualify those not legitimately minority-owned.

Airport Tenants Lease Report

This was the first formal status report by HRC staff (Lydia San Filippo, HRC Contract Compliance Specialist) on the HRC's work with tenants bidding for and obtaining leases for commercial space at the San Francisco International Airport.

Airport leases are revenue-yielding and are therefore awarded to the highest bidder, differing from most contracts the HRC monitors which go to the lowest bidder. For Ms. San Filippo's report, only those leases with annual revenues over \$50,000 were monitored. At the time, 49 such leases were covered, but this number was to expand significantly with the opening later in 1979 of the new North Terminal.

Lessees (or tenants) include airline companies, cargo and freight firms, concessionaires selling goods or products, service operations, and many miscellaneous operations. As of April 25, 1979, total employment for minority males was 17.6%; for minority females, 4.9%.

Since the HRC had not previously monitored Airport leases, on-site orientation visits to lessees by HRC staff would be an important part of the overall effort in the monitoring program. Extensive record-keeping is required through a multi-purpose data form developed by HRC staff. Information is to be gathered on applicant flow (number hired or not hired), type of hire (full or part-time), job categories, and

personnel movement (training, transfer, promotion, demotion, termination).

At the time, in early June, that Ms. San Filippo was reporting, there still was some anticipated resistance by some Airport tenants to complying to workforce reporting and other information guidelines. Ms. San Filippo has scheduled meetings individually with these firms to work out a means for obtaining this required information.

HRC monitoring work also includes, of course, the factor of getting minority business representation among the lessees of space.

HRC Position on Police Recruitment of Lesbians and Gay Men

On recommendation of the Employment Committee, the HRC wrote Mayor Feinstein and the Police Commission urging each to take a position in favor of the recruitment and employment efforts (aimed at lesbians and gay men) initiated by then Chief of Police Charles R. Gain. The Mayor subsequently did take such a position. There were apprehensions that since Chief Gain had announced his forthcoming resignation, that the SFPD's active recruitment efforts in these two communities might be de-emphasized.

In a formal statement adopted by the Committee read by Commissioner Vernon Alley at the HRC, it was stressed that since many applicants to the Police Department had admitted their sexual preferences because of recent recruitment efforts aimed at lesbians and gay men, the HRC and officers and agencies of the City needed to make such a commitment.

When Police Chief Gain was succeeded by Cornelius P. Murphy, the latter assured gay and lesbian communities that he would continue the nondiscrimination policy regarding sexual preference in recruitment and employment of officers.

HRC Monitoring of Community Mental Health Contracts

The HRC has been gathering workforce data and statistical information from agencies funded by or through the Community Mental Health Service of the Department of Public Health since October of 1978. This report, in the Fall of 1979, was the joint work of HRC staff members Lloyd Cowan and Emmett Rosebrough. Only those "provider" contracts of \$40,000 or more were selected for monitoring.

As in other monitoring work, the HRC examines the hiring posture vis-à-vis affirmative action and, with data collected, formulates agreements with each agency, setting goals and timetables.

Of the 51 Community Mental Health agencies the two HRC staffers covered, 22 had fewer than 10 employees, 2 had between 100 and 200 employees, and 1 had more than 200 employees. Several agencies had two or three programs each. Funds channeled through Community Mental Health totaled \$20 million, and the total workforce was 1,133.

Details of the monitoring work were discussed in full by the staffers, as in programs described elsewhere in this section of the Annual Report, noting the reporting procedures and data collected and so forth.

World Trade Club Affirmative Action

This report, an annual one, covered the period ending in June of 1979, as is part of the World Trade Club's Affirmative Action Agreement signed in October of 1978. Essie Thomas, an HRC Contract Compliance Specialist, does the monitoring of the Club, which is a privately-operated luxury restaurant occupying leased view quarters in the historic Ferry Building on the Embarcadero waterfront. Its lease is from the Port Commission.

As in the past, data covered staff breakdowns (visible----dining-room and bar----versus nonvisible----kitchen, office, and other personnel). A separate analysis includes the visible jobs of waiter/waitress, cashier, bartender, etc.

Ms. Thomas' report included considerable statistical comparisons for minority participation numerically and proportionately in the various job categories.

Basically, she found that the ethnic makeup of the workforce had not changed substantially over the years that the HRC had been monitoring the Club. The restaurant management actively sought one minority to enter its apprentice cook program, and hiring, training, and promotional goals were met during the year.

Ms. Thomas said that the Club deserved special mention for the fact that during the HRC's monitoring work with it minority representation in the workforce had been consistently high, and that it had made good faith efforts to recruit minorities and women.

Viacom Cablevision Affirmative Action

Though the HRC did not have a formal affirmative action agreement with Viacom Cablevision (which lays cable under City walkways and streets to carry its television transmittal service to private customers), it did have a letter of understanding complying with the provisions of Chapter 12B. Thus the HRC receives regular questionnaire submittals and has been doing so since 1970. In the years since 1976, the company has shown that minorities and women have become officials and managers, professionals, technicians, sales workers, and skilled

workers. Only one problem area, the employment of women, especially minority women, was identified at the time of this 1979 report. A company official stated that it had been very difficult to recruit women able to carry a 65-pound, 32-foot extension ladder while doing strenuous pole work outside.

Guest Presentations on Affirmative Action-Private Sector/Public Advocacy

Two viewpoints on affirmative action were brought to the HRC by Eva Jefferson Paterson, an attorney with the San Francisco Lawyers' Committee for Urban Affairs, and Bruce Nelson, an attorney with the firm of Morrison and Foerster.

Ms. Paterson concentrated on the historical background for the development of the concept of affirmative action, some landmark cases, and the challenge to the HRC and similar agencies in implementation. She discussed in some detail Bakke vs. the Regents of the University of California, and the significance of the U.S. Supreme Court decision upholding Mr. Bakke's reverse discrimination case against the University for admission to the UC Medical School at Davis, and the United Steel Workers of America vs. Weber (the issue of the permissibility of an affirmative action program adopted voluntarily by an employer).

Ms. Paterson urged that the HRC:

1. Expand its role in bringing disparate opinions on affirmative action together for mutual understanding.
2. As individuals, be aware of workforce inequities in both the private and public sectors.
3. Work to bring about "the day when affirmative action is unnecessary."

Mr. Nelson's presentation was two-part: an overview of the status of affirmative action in the private sector along with its view of what is happening in the public sector; and what it means to the HRC.

He said that in the private business sector currently there is

- far greater emphasis on affirmative action than ever before.
- far heavier enforcement efforts than ever seen in a lot more interest groups.

He said that affirmative action was "booming" in the private sector, largely because of federal requirements applying to its prime or subcontractors.

He said that in the public sector generally he had found substantial lack of sophistication about affirmative action and the least knowledge of what the law requires. Private sector clients ask him, he stressed, why they should be required to comply with federal guidelines when the public sector itself is not complying and is on the receiving end of enforcement lawsuits. He urged that the HRC concentrate its limited resources on where affirmative action in the private and public sectors is lagging and "not doing the job."

City Construction Affirmative Action Status Report

This is one of the major status reports given at the HRC, and is an annual survey which began in 1970. Stanley Lim, HRC Contract Compliance Officer, and Linell Harden, Contract Compliance Specialist, collaborated on this, the fifteenth report on the employment status of minorities and women in City-funded construction contracts.

Data used in the survey were based on reports from 22 general contractors and 250 subcontractors. Although the number of contracts was smaller than for the previous year (1978), the total dollar value was up: \$290 million as against \$235 million.

By ethnic breakdown, the workforce in all trades, based on total hours as expressed in percentages was: White, 50.5%; Hispanic, 16.7%; Black, 28.0%; American Indian 2.2%; Chinese, 1.1%; Japanese, 0.5%; Filipino, 0.6%; and Pacific Islanders 0.4%. Minority participation was 49.5% or 832 out of 1,658 persons. Included in the total employed were 14 women construction workers, five of them minorities.

The 49.5% overall minority representation was the highest of any in the four previous years. As a group, Blacks registered the sharpest gain, from 18.8% in 1978 to 28.0% in 1979. Hispanics and Filipinos also showed slight increases. However, Whites, American Indians, Chinese and Japanese all decreased somewhat.

Analysis on a craft-by-craft basis indicated that the highest minority employment was found in the nonmechanical trades such as carpenter (43%), or cement mason (63%). The percentage of minority workers was lower in mechanical trades such as sheet metal workers (12%), electrical workers (25%), or sprinkler fitter (14%).

Several trades exceeded HRC goals, such as carpenters, cement masons, drywall installers, and the like. The report included detailed analyses by crafts of performance in reaching minority goals.

It was found, Mr. Lim said, that minority groups generally still have a long way to go to reach top-status jobs, such as foreman or general foreman. They comprised on 20% of the total foreman work-hours, as against 40% of the journeyman and 55% of the apprenticeship hours.

Women employed by City contractors still were small in number. Part of the problem, as cited in earlier reports, had been contractors' negative attitudes towards hiring them as construction workers. But in the trades, women participating were gradually increasing. They were found in 1979 as carpenters, cement masons, electrical workers, lather, pile drivers, plumbers, and laborers.

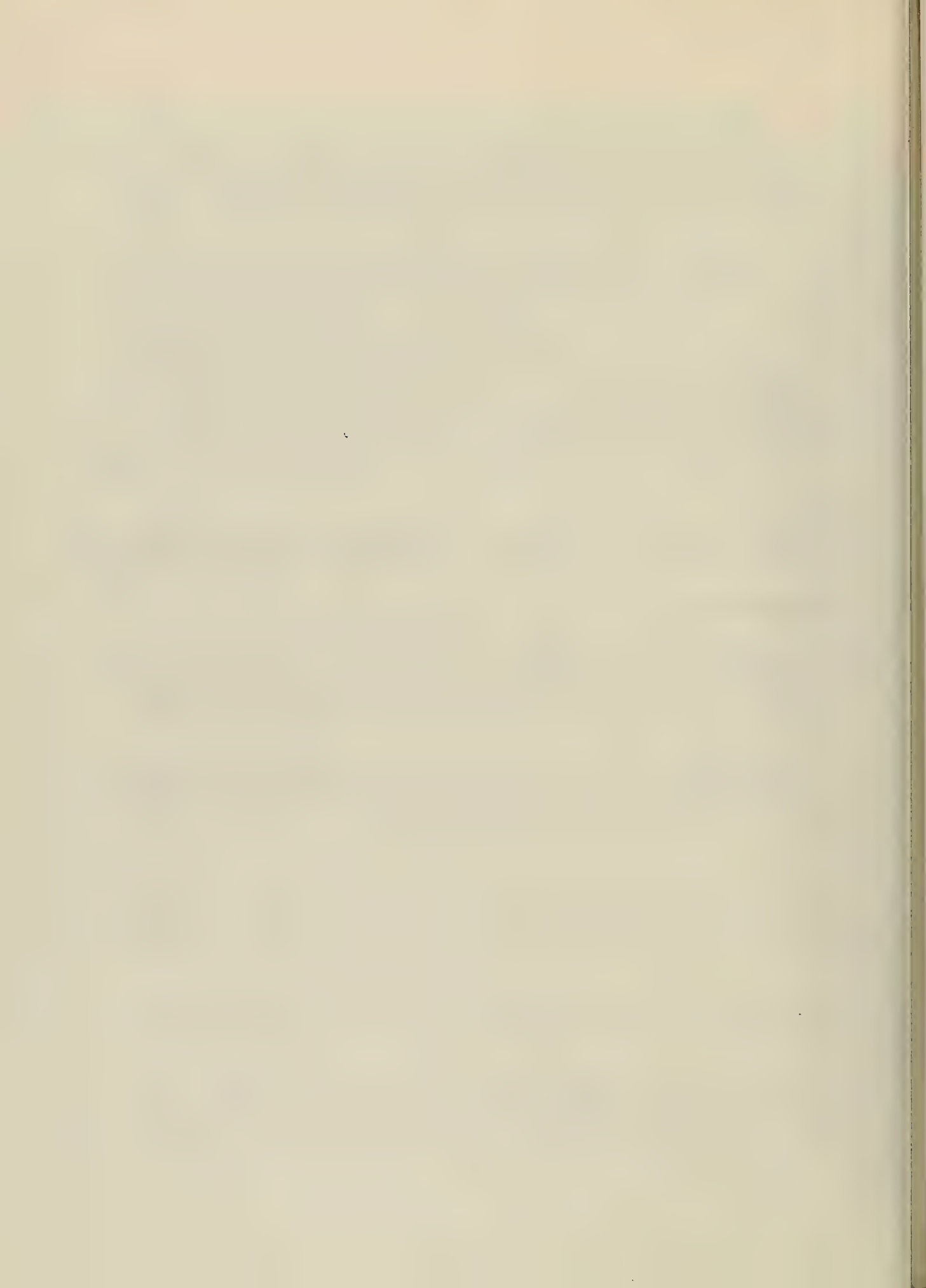
Minority apprenticeship at 54.5% compared to 61.% in 1978, but the number of minority apprentices was significantly higher than any year, with 99 out of 177. Women apprentices accounted for 5.9%, or 11 of the placements, the highest ever, but still below the HRC goal. To assist contractors in meeting the HRC apprenticeship requirement, a minimum goal of 50% minority, 15% women and the State Division of Apprenticeship Standards' 5-to-1 journeymen to apprentice ratio, the HRC enlisted the help of four out-reach service agencies: Apprenticeship Opportunity Foundation and Women in Apprenticeship for City-wide contracts; Bayview-Hunters Point Affirmative Action program for contracts in that area; and, as the Moscone Convention Center began construction, the San Francisco Coalition.

Messers Lim and Harden also did an analysis of the major contracting areas, Department of Public Works, the Wastewater Program, the Bayview-Hunters Point resident employment, and the Public Utilities Commission.

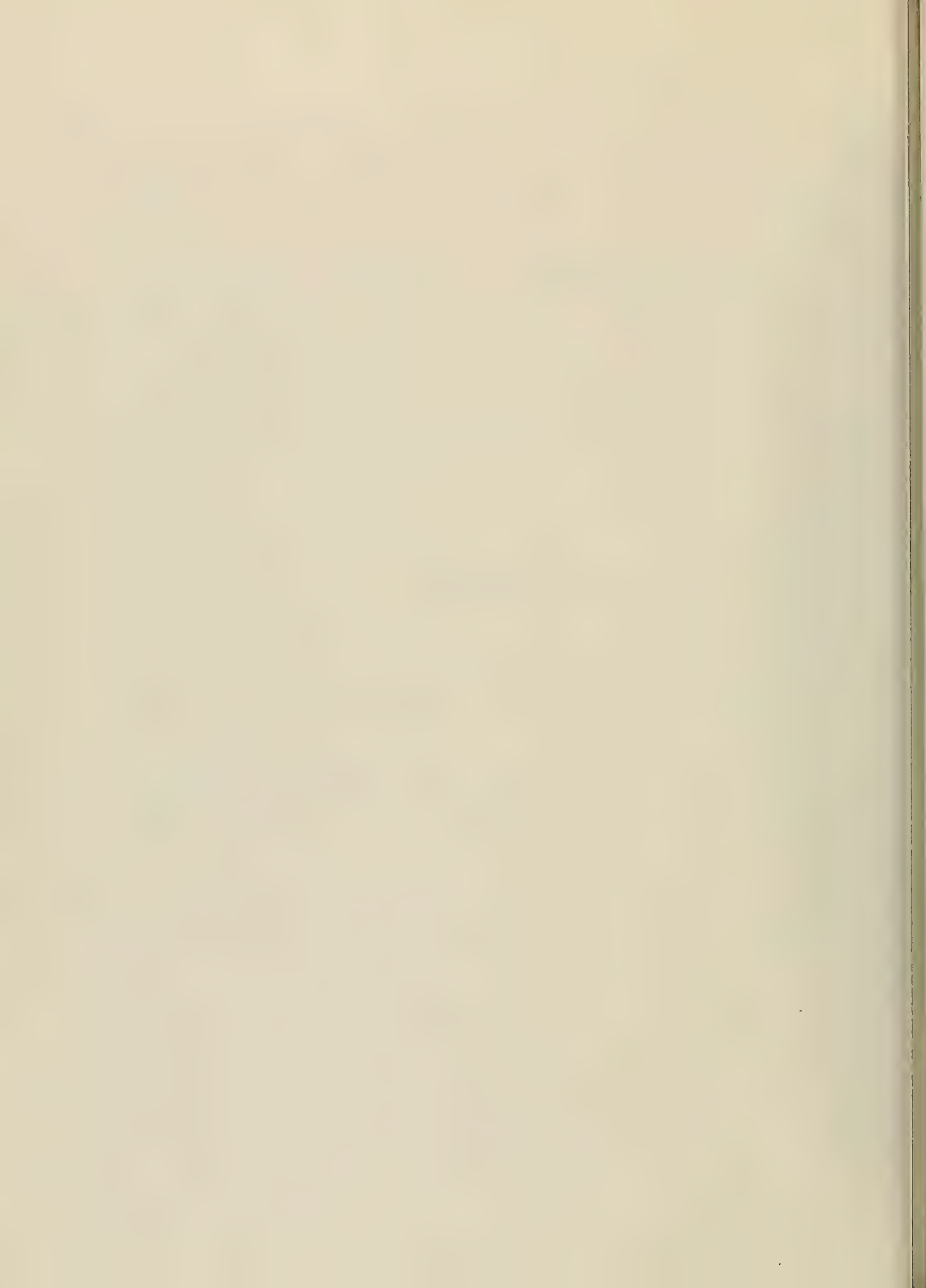
Proposed Survey of Affirmative Action/Private Sector

In an effort to determine 1) What the attitudes of private-sector businesses are towards employment affirmative action plans they operate, and 2) what they actually are doing in affirmative action, the HRC in May approved the submitting of a proposal for funding to conduct such a survey.

Rebecca Hazelwood, a private consultant, drew up the proposal, and it was sent to the San Francisco Foundation, but in the end it was not granted and the survey was not done.



G A Y L I A I S O N



Violence Against Gays-HRC Resolution

In the first quarter of 1979 there began to occur incidents of violence against Gays on the public streets. Confrontations between Gays and members of the Police Department also occurred, and two such incidents led to formal action by the Gay Liaison Committee. One protest was in regard to alleged harassment, false arrest, and professional misconduct by five officers in February at a downtown bar, and a second was because of an incident at a lesbian bar in March involving off-duty Police officers.

While talks were held regarding these two incidents, and some action taken regarding the second, the Committee reported to the HRC that there appeared to be an escalation of violence against Gay people on the street, especially on lesbians. Commissioner Phyllis Lyon, chairperson of the Committee, said there was an attempt to set up a better reporting system in the community to keep a more accurate account of the number and nature of these reported attacks. It was felt that attacks on lesbians could lead to attacks on women people think are lesbians merely by their dress or demeanor, thus putting all women in jeopardy.

Accordingly, the HRC passed a Resolution Urging a Mayoral Investigation Group Regarding Escalation of Violence Against Gays, Minorities, Women, and the Elderly. A "witness against violence" rally was held on Good Friday, April 12 as part of community protest over the violence.

The Mayor's Office followed closely the development of a community coalition to deal with anti-Gay violence. One proposal was that there be a task force established in the Mayor's Office.

Further Actions Regarding Anti-Gay Violence

Continuing incidents of violence and a growth of activity to counter them led in the Spring of 1979 to agreement between the HRC and the Delinquency Prevention Commission and the Commission on the Status of Women to co-sponsor an assembly at Mission High School to deal with the problem of violence against Gays by some students (and some nonstudents) in and around Mission High School especially.

The HRC recalled that in June of 1977 it had forwarded to the Board of Education a Statement of Concern regarding the "intensification of hostility and the escalation of violent attacks against...the Gay community...". It then called for a program of community education, understanding, and cooperation. It also proposed an approach through curriculum in an understanding of Gay lifestyles.

Among the problems in the schools in this regard were: physical and psychological abuse by students; lack of sensitivity among many administrators, teachers, counselors, and student peers; and difficulty in organizing by the Gay student population. Through the reports from the Center for Special Problems, Gays under 21, and the Gay Teachers' Caucus to the Delinquency Prevention Commission came recommendations for in-service programs for school administrators, teachers, and counselors to sensitize them to Gay issues and lifestyles and promote understanding, and the continuation of work to implement curriculum to include "positive and accurate accounts of the Gay lifestyle."

A delegation met with Superintendent of Schools Robert Alioto, and he was in agreement with the proposed assembly. He also was reported as stating he was working on a program to deal with the whole issue of violence in schools for the Fall session, with in-service training for teachers before then.

Plans for the assembly had to be postponed for two reasons:

1. Its concept did not take place until only a month before the Spring term was to end, and a meaningful program could not be developed in that short period of time.
2. Its planners did not want to single out Mission High School, for fear of increasing resentments and hostility.

Various members of the community, however, did meet with the Superintendent and his Administrative Assistant Barbara Cohen to develop during the summer an in-service training program for use by administrators at all levels before the Fall session, with availability for students later.

After several months of work, a package program calling for three sessions for District administrators was worked out. These took place during the in-service training week and covered verbal, physical, and psychological violence. In the working sessions that produced the program, the following topics also were covered:

- attitudes that provoke violent behavior
- social agencies that deal with related situations
- community responsiveness
- the right to address classroom on these concerns.

The District also committed itself to working with the program designers throughout the upcoming school year so that the material which could not be given during the in-service training could be presented more effectively in other learning situations.

Housing Concerns/Tensions

The Committee was aware during the year of the growing tensions between different communities in the City exacerbated by high rents, speculation, displacement and changing ownership patterns. There were for a few weeks newspaper and television stories about the tensions in the Western Addition and Haight-Ashbury districts where, it was claimed, Black owners and tenants were being "forced out" by Gay real estate acquisition, restoration, and by escalation of rents and purchase costs.

Because of the knowledge that what may be stated by the media can become accepted as widespread fact and adopted by large numbers of people who make no personal observation or study of a given situation, the Committee and HRC staff were in attendance at neighborhood meetings to give positive input and urge a spirit of cooperation. Lloyd Cowan, HRC staff, personally was involved in the Hayes Valley neighborhood meetings, and was able to provide problem-solving suggestions to other groups.

Minnesota Multi-Phasic Personality Indicator Test (MMPI)

Concerns were brought by an individual to the Committee over the reported use of this MMPI testing means by several large real estate firms, and by Pacific Gas & Electric Company in its hiring in the field of nuclear power development. Many of the questions asked in the test were held to be sexist and discriminatory with no connection to job qualifications.

Lloyd Cowan worked with a psychologist, Dr. William R. Horstman, who was familiar with the MMPI test, and who appeared before the Gay Advisory Committee. The Committee, through Dr. Horstman, at year's end was continuing investigation into the origins of the test and the agency issuing it.

Public Awareness of Gay Advisory Committee

The Committee throughout the year sought more means of increasing public awareness of its existence and activities. Bus signs, informational mailings, and publicizing of the availability of staff and community liaison for tension-producing issues were some of the means utilized.

Public identification of the GAC with such things as the in-service training program work, the neighborhood meetings on community tensions, and the like helped increase this awareness. Staff noted a corresponding rise in public seeking of information, counseling, and assistance, as well. The Committee increased its mailing list, and made contact with new community groups (Parents of Gays, and Sexual Minority Youth Coalition). The Sentinel newspaper began a series of interviews

to background a historical resume of the Committee's work since its beginning with the HRC in 1975.

Sexual Orientation Protection Bills

Formal HRC support for Assembly Bill 1, which pertained to discrimination based on sexual orientation as a protected class, was reaffirmed in the Fall of 1979. Two bills were then introduced into the House of Representatives addressing discrimination policies based on sexual orientation. One, H.R. 2074, sought to prohibit discrimination on the basis of affectional or sexual orientation and to guarantee civil rights "to those citizens not previously afforded such protection." The second measure, H. Con Resolution 166, according to Commissioner Lyon, called upon Congress to prohibit and deny a person's protection from discrimination on the basis of homosexual acts.

After Committee and HRC discussion, the HRC voted to support H.R. 2074, and to condemn the intent of H. Con. Res 166, "as it seeks to single out and deny individuals of this country their right for equal protection and moreover harbors attitudes which promote the demeaning of a people and seeks to place such people in a less than equal position in our society."

In the State Assembly, AB 1 was approved by the Ways & Means Committee, but since a similar bill, SB 18, failed in the Industrial Relations Committee, AB 1 was not brought before the full Assembly.

H.R. 2074 did not come out of committee to the full House of Representatives.

Commendation to Jo Daly

Jo Daly, the HRC's first Gay Community Liaison Specialist (since 1975) and staff to the Gay Advisory Committee, left the HRC in March of 1979.

At a regular HRC meeting, Supervisor Lee Dolson presented a framed formal Resolution of Commendation from the Board of Supervisors, and this was matched by the HRC's own Resolution of Commendation to her.

In her response, Ms. Daly highlighted some of the accomplishments of her tenure:

1. Financial settlements for Gay discrimination clients (pensions, retirement benefits, etc.) totaling more than \$100,000.
2. Making sure that commercial institutions incorporate and write nondiscriminatory employment policies that will benefit both present and future employees.

3. Greater public awareness of and sensitivity to Gay community concerns.

Ms. Daly, who did much traveling in connection with her involvement with political recognition of Gay rights, told the HRC that the San Francisco HRC had a state and national reputation for its adherence to the intent of nondiscrimination laws and its ability to see them enforced.

In 1980, Ms. Daly was named to the Board of Permit Appeals by Mayor Feinstein.

City Hall Riots of May, 1979

The trial of Dan White, the former Supervisor who in November of 1978 shot to death San Francisco's Mayor, George R. Moscone, and Harvey Milk, a member of the Board of Supervisors, ended with his conviction of involuntary manslaughter and sentencing to seven years' imprisonment.

Emotions of the City, particularly in the Gay community which felt the death of Supervisor Milk (the first elected member of the Board of Supervisors who ran as a Gay community candidate) was due in part to open hostility on the part of White and others to Gay-ness itself, ran very high after the verdict. A May 21 march to the Civic Center in front of City Hall begun as a public protest erupted into an at-times violent confrontation between some march participants and some law enforcement officers. City Hall was entered forcibly, and there were car-burnings, smashed windows, and tear gas on the streets.

In the aftermath of the riots, the HRC adopted and published the following:

A STATEMENT OF CONCERN

Regarding the Events of Monday, May 21, 1979

in the Civic Center at City Hall

The verdict in the Dan White case and the events following have escalated tensions in this City to a new high. The Human Rights Commission came into being with the express mandate to help reduce community tensions, and we ask that all San Franciscans refrain from making judgments based on incomplete information, rumor or prejudice about the root or specific causes of the violent actions at City Hall.

We support Mayor Feinstein's call for full investigation into both the tragic and damaging actions at City Hall and subsequent outbreaks of confrontation between police and private citizens.

The Human Rights Commission recognizes the history of good faith efforts by members of the Gay community and others to widen public understanding, urge acceptance, and effect positive social attitudinal change. The Human Rights Commission has for some time had a Gay Advisory Committee headed by a Commissioner and staffed by a Gay Liaison Worker. These resources remain ready to lend all assistance possible to public and private group efforts to reduce the flames of misunderstanding and distortion about the facts of these events.

All human rights are imperiled when hatred, suspicion, and rumor feed on prejudice and frustration. The Human Rights Commission is certain that with mutual cooperation between citizens and government agencies the City can work its way out of its present distress.

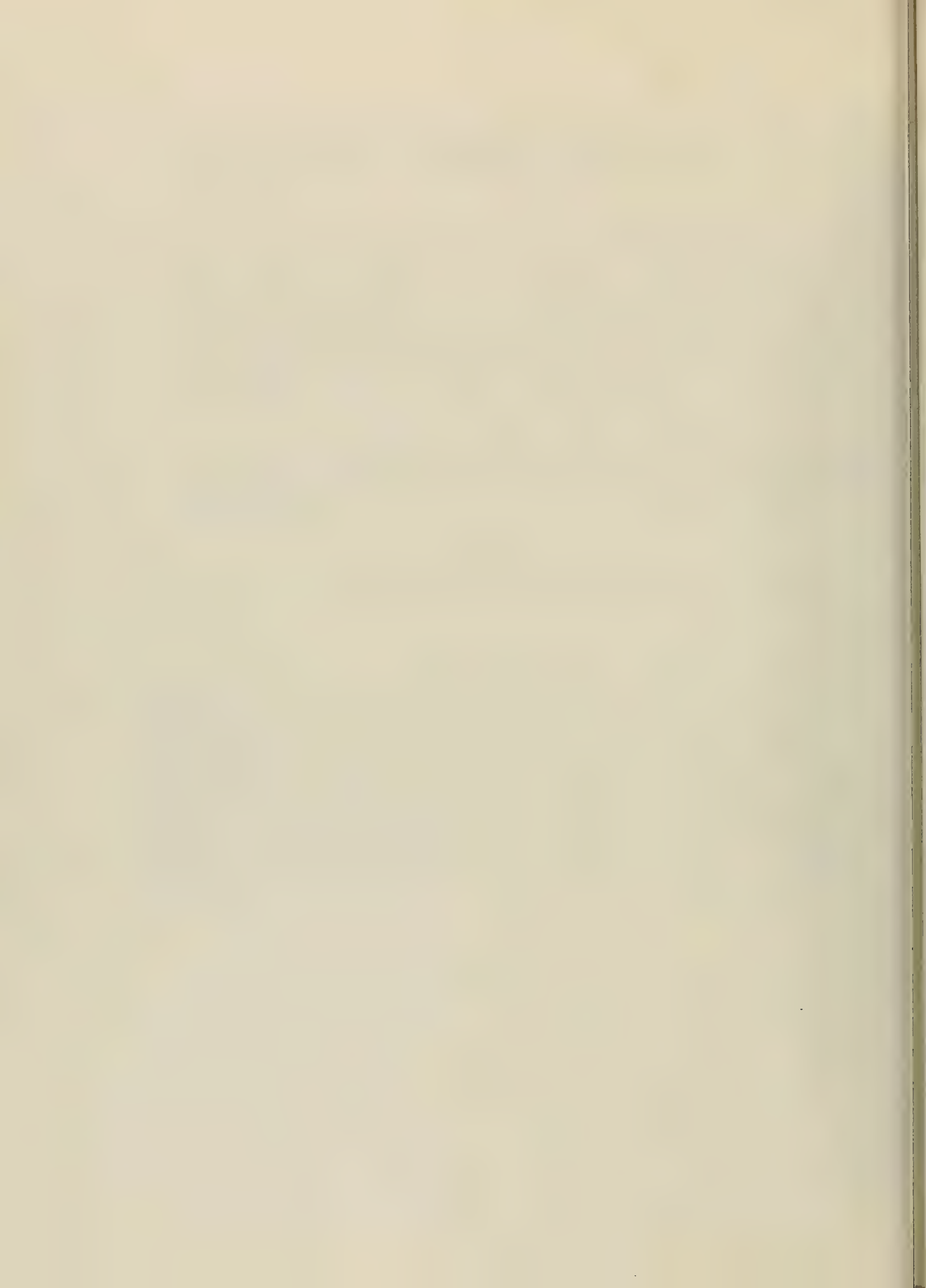
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Adopted by the HRC May 24, 1979

Reduction of Tensions Following City Hall Riots

The Gay Advisory Committee of the HRC spoke out also following the May 21st City Hall riots to express its concern that there had been a breakdown in communication between the Police Department and various representatives at City Hall. It urged that "...all phases of positive and constructive communication between various community organizations and the Gay community be encouraged in order to avoid misunderstanding and frustration." The Committee through its community contacts took an active role in continuing trying to reduce tensions and "heighten awareness."

ORDINANCE REVISION



Changes in Chapters 12A and 12B

Created in March of 1978, this Committee in September of 1979 made its final recommendations on a number of substitutions, deletions, and additions to the texts of Chapters 12A and 12B of the City Administrative Code. Input came over the months from the Employment, Gay Advisory, Housing & Urban Development, and Youth & Education committees.

Many of the final recommendations were minor, but at the same time important ones. Wording was strengthened, for example: the definition of "Age" as a protected category specifically (40 to 65) was removed; terminology or titles were updated: Executive Secretary to Director, Chairman to Chairperson, etc.

These changes, of course, had to be implemented by vote of the Board of Supervisors, as official changes to the ordinances.

Charter Revision Recommendations

The Charter (Revision) Commission of San Francisco of the City worked throughout 1979 on drawing up a revised City Charter. It held public hearings during May, June, and July, and submitted its first interim report in mid-October. Wilson Chang was the Chair; Glen W. Sparrow, Executive Director.

There was debate at the HRC prior to the interim report on whether it preferred to remain a City commission mandated only by the ordinances of the City Administrative Code, or if it wished a change in status to a charter-mandated commission. At the Committee level, the position was, essentially, that the HRC should be mentioned or designated in the City Charter, but that its powers and functions should be spelled out in ordinances.

This position was adopted formally on October 11th (and communicated to the Charter (Revision) Commission) as follows:

"It is the position of the Human Rights Commission of the City and County of San Francisco that the City Charter should specifically state that there be a Human Rights Commission of the City and County of San Francisco as a permanent part of City government, but that the detailed descriptions of its powers, duties, function, and responsibilities be contained in ordinances adopted by the Board of Supervisors in the form of ordinances part of the City Administrative Code."

Bill of Rights-The Charter Revision Commission's proposed Bill of Rights for inclusion in a revised City Charter naturally drew the attention of the HRC.

Bill of Rights - It was learned that a subcommittee of the Charter (Revision) Commission had been studying preambles to a number of other city charters for background on preparing a possible Bill of Rights for inclusion in the revised City Charter recommendations. This work was not scheduled to be completed until the Spring of 1980.

After discussion at the Ordinance Revision Committee, on its recommendation, the HRC adopted a Proposed Bill of Rights to be sent to the Charter Revision Commission. It reads as follows:

"It is hereby declared that the policy of the City and County of San Francisco is to ensure the rights of every inhabitant of the City and County of San Francisco to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County, to equal service and protection by public agencies; that the Human Rights Commission be empowered to ensure such rights to eliminate prejudice, discrimination, and intergroup tensions because of race, religion, color, ancestry, age, sex, sexual orientation, disability, place of birth, marital status, or other classes which, after public hearing and by Board of Supervisors' action, may be added by amendment.

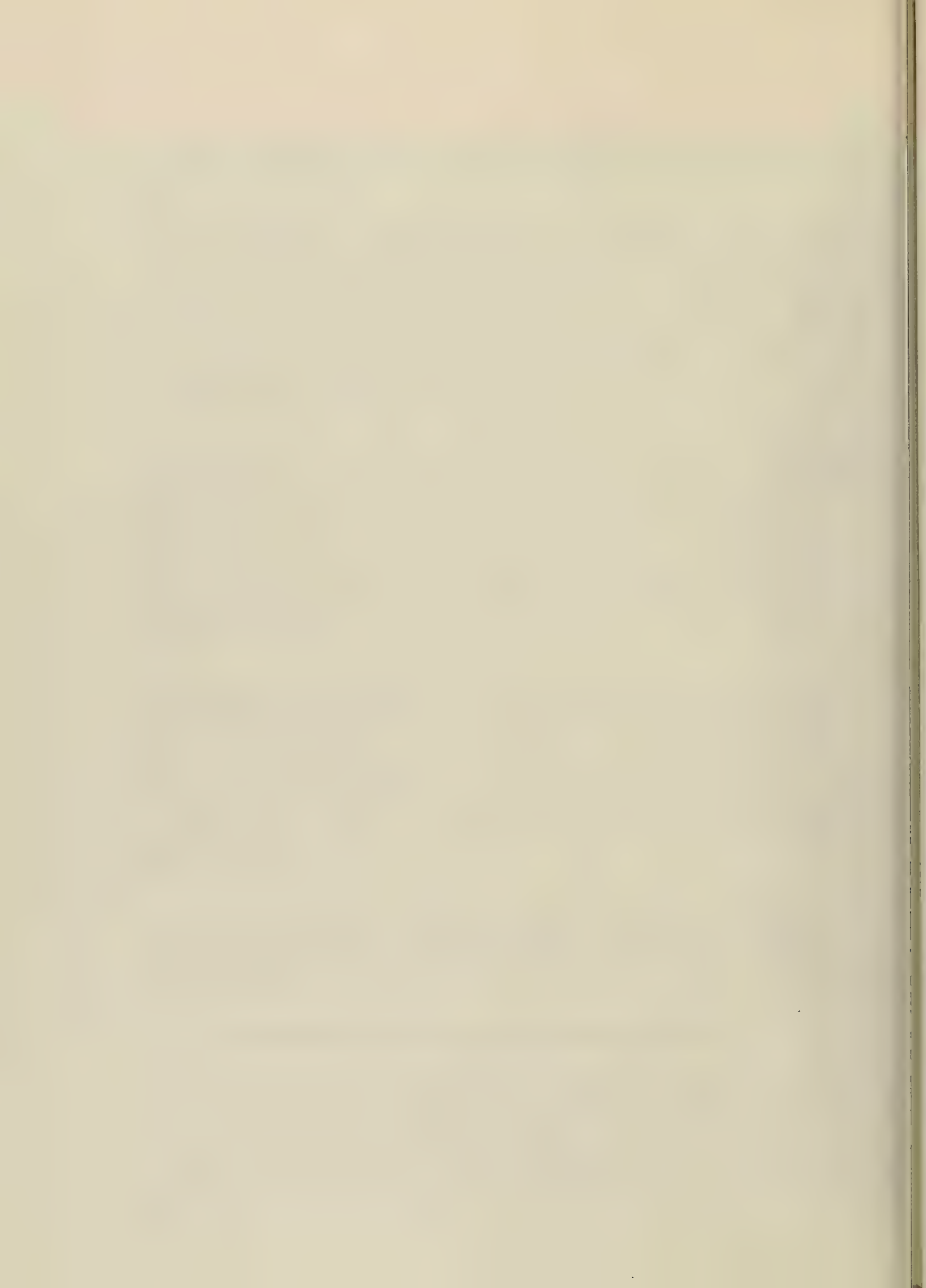
Amendments to Chapter 12C - The Committee learned at year's end that a number of amendments and wording changes had been proposed for Chapters 12B and 12C of the Code. These were separate and apart from any changes the Committee had been studying, or that the HRC already had adopted. One proposal dealt with two words: "recipient" and "handicapped", and it sought to change all ordinance references of "grantee" to "recipient." Also proposed was changing the word "disabled" to "handicapped", reportedly the goal of the Center for Independent Living in Berkeley. Also proposed was a detailed definition of the word "handicapped."

The HRC's Director wrote the Governmental Services Committee of the Board of Supervisors asking that any action on these proposed changes in the Administrative Code Chapters 12B and 12C be postponed until the HRC had time to study them, along with any others that might be proposed by other groups.

Proposed Establishment of Business Development Committee

The Black Business Association and Asian, Inc. proposed in late 1979 that the HRC establish, separate from the Employment Committee, a Business Development Committee. This request was submitted formally, in a letter brought to the full HRC through the Employment Committee. The proposed committee would concentrate on minority business enterprise promotion and facilitation. Staff research was ordered on the feasibility of this proposal, but no report was made during the last few weeks of 1979.

HOUSING
AND
URBAN DEVELOPMENT



Condominium Conversion Crisis-HRC Resolution

A dramatic increase in late 1978 and early 1979 in the number of conversions of rental housing units in the City to condominium purchase status caused much concern in the housing field. In 1976, there were 6 condominium conversion permits granted, a total of 43 units; in 1977, there were 16, for a total of 780 units; in 1978, there were 50, or 1,000 units.

Conversion itself might not have become such an issue had not builders and developers all but ceased starting any building of rental units saying that the rate of return from rentals was no longer economically feasible. The City Planning Department, indeed, reported in February, 1979 that less than 100 rental units were under construction in the City.

As an example of the rate of return in conversions, one developer bought 240-unit building for \$4 million; by converting all units to sale condominiums, even with granting lifetime leases and keeping sales prices moderate (\$40,000 per unit) he would realize \$11 million.

The Board of Supervisors had passed conversion regulations in 1974. In the Fall of 1977, City Planning prepared new legislation to deal with the greatly-increased conversion rate, and the Planning Commission approved them in February of 1978 and then went to the City Attorney for review. Not until January of 1979 did they return. They included these stipulations:

1. No unit could be sold for more than an amount equal to 156 times the rental of the unit.
2. 35% tenant approval was required on any development over five units (approval to convert).
3. Elderly persons were to be offered six-month renewable leases for each year's residency.
4. Moving expenses of \$1,000 for anyone who had to relocate as the result of a conversion.

The Planning Department then decided to amplify its recommendations and a community coalition, San Franciscans for Better Housing, also proposed more strict requirements. This latter group brought its points to the HRC's Housing and Urban Development Committee.

The coalition called for a moratorium on conversion until a 5% vacancy rate was reached in rental units in the City. They also wanted 50% tenant agreement to purchasing units before approval of a conversion, and a guarantee of lifetime leases to all elderly tenants (62 years or more), with rent increases limited to the increase in the cost of living.

The vacancy rate at the time of the HRC's discussion and action on the Committee's recommendation was approximately 3%.

The HRC's Resolution in Support of Amendments to the San Francisco Subdivision Code as adopted stated that the significant increase in condominium conversions deplete rental housing supply, cause hardship for persons wishing to rent, especially the elderly, and removes housing units from the protection of ordinances prohibiting discrimination because of the children or on the basis of sexual orientation. It called for the Code to be amended to:

1. Declare a moratorium on all condominium conversions until a 5% vacancy rate was attained;
2. Deny approval to a conversion unless the subdivider can show 50% of the tenants wish to purchase;
3. Grant lifetime leases, with rent increases limited to the increase in the cost of living, to all tenants 62 years or older.
4. Apply nondiscriminatory provisions for families with children and covering sexual orientation.

Most of the recommendations were subsequently adopted, except for the moratorium proposed on all condominium conversions.

HRC Representation on Housing Policy Group

Creation of a Housing Policy Group by Mayor Feinstein in the early Spring of 1979 grew out of community tensions that developed from charges that "Gay speculators" in the Western Addition were forcing up rents and forcing out (largely Black) residents from the area.

The HRC's Housing and Urban Development Committee met jointly with its Gay Advisory Committee in an attempt to bring together the concerns of all groups with a view to resolution of differences and clarification of the real status of the situation as opposed to rumor and sensational newspaper accounts. Community groups involved included the Third World Fund and the Black Leadership Forum.

The Committee found actually that rather than "speculation" in real estate, the major development was residential displacement, as rising property sales levels and rapidly-rising rents forced people to move in search of rental and sale property. This, it was brought out, was not confined to any one neighborhood, but was a pattern that had been under way, and increasing, for some 20 years in the City.

Repeatedly, the members of the two Committees stressed that there were tangential concerns about the incidents reported of violence directed against Gays, and increasing tensions between Blacks and Gays,

and that the HRC had to address this in particular. A community group called San Franciscans for Affordable Housing scheduled hearings on housing in all eleven City supervisorial districts over eight weeks.

The HRC's Resolution Urging Appointment of the HRC Director to the Housing Policy Group and a Study of Residential Displacement was adopted and named the Office of Community Development as the agency which should sponsor and fund the displacement study, particularly of neighborhoods with concentrations of minority, elderly, or low-income people.

Citizens' Housing Task Force-HRC Stance

The Committee throughout 1979 continued to focus on the critical need for expansion of the City's housing stock. It met with representatives of the City Planning Department's Zoning Division and the Mayor's Office of Community Development several times.

The Citizens' Housing Task Force was created by the rent stabilization ordinance passed in midsummer by the Board of Supervisors. The Task Force was charged with reporting to the Mayor on the housing problems that gave rise to the rent stabilization ordinance (see section on Rent Stabilization and Arbitration Board below), and returning recommendations at the end of the 15-month duration of the ordinance.

The HRC formally urged that minorities be represented on the Citizens' Housing Task Force. HRC Commissioner Caryl Mezey was a member.

The HRC simultaneously requested again, as it had some months earlier, that its Director, Grant Mickins, be included on the Mayor's Housing Policy Group. Mickins subsequently was appointed to the Group, and an HRC intern, Matt Cohen, served as part-time, volunteer staff person for the Citizens' Housing Task Force.

Propositions "O" and "R" on the City November Ballot

The HRC requested that the Committee take testimony and review information on Proposition "O", which sought a height limitation on new building in the city, and Proposition "R", called a comprehensive housing initiative, which pertained to counter-proposals to the City's already-established Rent Stabilization and Arbitration Board with proposed rent-increase standards.

Commissioners had requested information only, and no formal position was taken on either measure.

The Committee heard testimony both for and against both measures, and HRC Housing Representative Don Hesse in his presentation made a

distinction between a ballot measure's stated goal and what its unstated results could be if passed.

The highrise limitation initiative proponents said it would reduce pressure on the City's housing stock and encourage construction downtown, that highrises waste energy, displace blue collar jobs, drive out low and moderate-income people, increase traffic problems, etc.

The opponents said it would stop growth and new jobs, that high-rises provide jobs, many of them for minorities, that they account for more than 50 percent of the City's tax revenues, and that highrises encourage slimmer buildings that leave more open space.

Proposition "O" was defeated in November.

Proposition "R" was a reaction of interests who disapproved of the City's Rent Stabilization and Arbitration Board and its enabling legislation (which see below). Proposition "R" provided for an elected rather than Mayor-appointed Board, rents frozen, a consumer price index incremental guideline, and the right of landlords to petition for rent adjustments for many reasons.

Proposition "R" was defeated also in November.

Residential Rent Stabilization and Arbitration Board

This body was established in June of 1979 by the Board of Supervisors to hear landlord-tenant disputes arising from the City's Rent Stabilization guidelines.

HRC Commissioner Donna Solomon resigned to become the Board's first Executive Director in mid-December.

The HRC met with the Board, whose existence as the strongest City commitment to date in the area of housing problems of the poor it strongly supported, and made a number of suggestions, including:

1. That information about it be in the several primary languages other than English in the City.
2. That efforts be made to publicize and increase public knowledge of the Board and its services. This effort was made.

In the first four months (July-October) of the existence of the Rent Board, the majority of complaints, unexpectedly, had come from the Twin Peaks residential area (middle to upper-income) rather than from low-income, impacted minority areas: Hunters Point (1 complaint), Chinatown (no complaints), and the Mission and Western Addition. One explanation was that middle and upper-income area residents have the means to hire lawyers and also have more confidence in demanding that the City protect their rights.

One explanation for the lack of community response (complaints) in Chinatown and the Mission may have been that many households have members or friends who are undocumented workers in this country, and there is personal anxiety in making a complaint to any government agency.

Evictions Study for Rent Board

Director Solomon of the Rent Board in December of 1979 formally requested that the HRC study evictions in the Municipal Court. The study was in response to evidence that eviction rates rose following the passage of the Residential Rent Stabilization and Arbitration Board enabling ordinance by the Board of Supervisors in June of 1979. The ordinance contained a "vacancy decontrol" factor, which meant that rent increase controls could be removed when a housing unit became vacant. Landlords thus had no limits on the rents they could ask from new tenants. It was common experience, widely-reported in the City, that rents often were hiked 100 percent and more when units became vacant.

Matt Cohen, a student intern at the HRC, was assigned to work with Don Hesse on the study, with the understanding that the HRC was doing such background, even before the Rent Board request, as a neutral, noninvolved third party.

International Hotel Site

A cause celebre in the City for a number of years, the issue of the International Hotel (a two-story, block-long brick structure on Kearny Street on the edge of Chinatown which had been, for many years, low-rent housekeeping rooms for mostly Filipino active and retired workers) occupied HRC staff and members for several years in the 1970s. Developer plans for demolition of the hotel early provoked widespread community outrage and concern over the issue of the adverse effect on the poor residents of the hotel. The International Hotel issue changed greatly and became a rallypoint for many different ideological pressure groups, and it climaxed in a forced eviction procedure that found law enforcement people confronted fiercely by these groups. The hotel was demolished in 1979. Many plans for development of the site have included combined residential/commercial/park ideas.

A citizens committee was appointed by the Mayor to recommend uses for the site (a block bounded by Kearny, Columbus, Washington and Jackson Streets on the eastern edge of Chinatown). The committee informally had proposed, as of the end of 1979:

1. That the City buy the whole block, not just the Kearny Street frontage.

2. That the City initially acquire the Kearny frontage for low-income housing for the elderly and families to the extent it could be federally financed. If developed for low-income and family residency, it was proposed that there be commercial ground floor space and off-street parking.

Fair Housing for Children Ordinance

San Francisco was the first city in the state to pass such legislation, which prohibits discrimination in housing sales or rental against families with children. Senator David Roberti of Los Angeles in 1979 introduced Senate Bill 440, which would provide this safeguard statewide. The HRC previously had endorsed this measure, which was scheduled for a floor vote in January of 1980.

The cities of Santa Monica and Los Angeles in the latter weeks of 1979 passed similar fair housing for children ordinances.

Rental Unit Demolition Conversion Prohibition

This legislation from the City's Board of Supervisors prohibited for six months the demolition of rental housing and/or conversion of it into uses other than rental housing. It came about because of the expressed concerns of a number of groups, including the HRC, through its Housing and Urban Development Committee. The six months' time was for the City Planning Department to make a study, with recommendations, on the demolition/conversion problem. The legislation also was in response to the high incidence of conversion of permanent-resident rental hotels (many of them catering to low-income, retired, elderly people in target areas of the City, in particular the Tenderloin district) to tourist or daily-basis hotels. These conversions caused great agitation and reaction, especially from their tenants, many of them long-term, and needing both inexpensive housing and convenience to shops, public transportation, and medical and other services. It was a civic problem that continued long past 1979.

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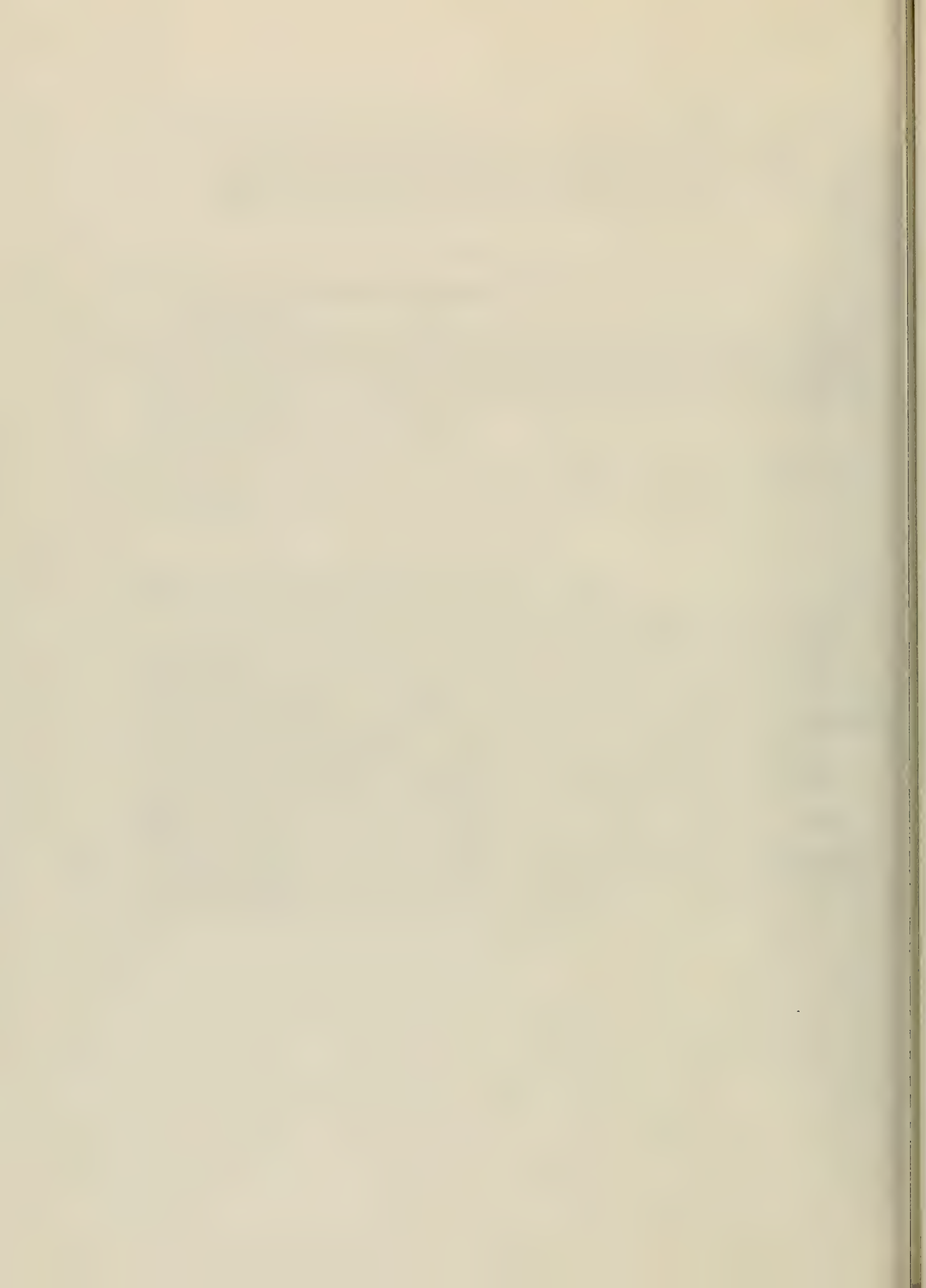
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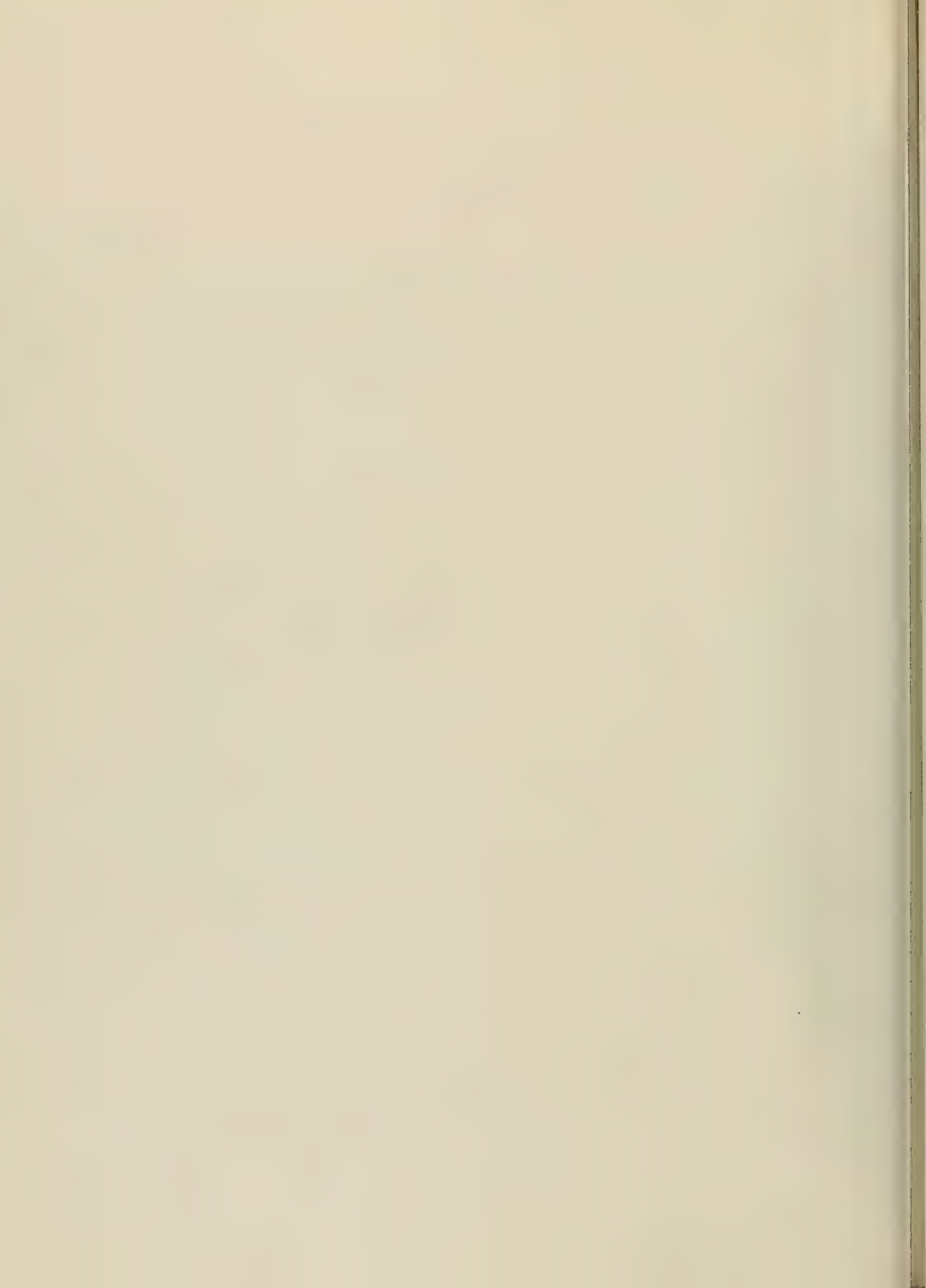
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YOUTH AND EDUCATION



Y O U T H A N D E D U C A T I O N



Discussion with New Board of Education Members

As part of its traditional, and continuing, close liaison with the Board of Education, the Committee met as 1979 started out with two newly-elected members, Ms. Jule Johnson (now Anderson), and Ms. Myra Kopf. Both are former members of the Youth & Education Committee, and they participated in a wide-ranging discussion of goals, problems, and other issues in the School District.

Focus of attention was on:

- the problem of overcrowding in the secondary (high) schools.
- inadequate preparation for handling ninth-graders, with tensions between them and upper-grade tenth, eleventh, and twelfth-graders.
- teacher layoffs and the possibility of predicted 800 layoffs during the school year, perhaps 400 by attrition.
- retention of paraprofessionals, again with last-hired, first-fired problems.
- program cuts and how the decisions would be made. Three of the programs in which the HRC had been involved (bilingual, school lunch, and gifted children) were reportedly scheduled to receive no increase in funding.
- the use of talented people for specialty subject teaching assignments, whereby teachers with a minor subject expertise could move without the District having to hire from the outside.
- overcrowding as a result of the District's Redesign plan.
- lease policy for District surplus buildings sought by private or parochial schools.
- work-study program problems.

These concerns naturally occupied all education people throughout the budget-planning period of the year. Some were allayed as a result of the budget finally adopted, but others continued or were added to.

Friends of Public Schools

As the concerns about the School District budget grew, and fears that post-Proposition 13 exigencies loomed nearer, the Committee and the HRC continued its liaison with community groups. One important meeting brought the District's Legislative Liaison, Ms. Pegge Lacey, and Thomas J. Sammon, Project Director, Emergency School Assistance Act Pilot, together with Ms. Margel Kaufman, representing a new statewide coalition, Friends of Public Schools.

The coalition, formed in late 1978, and headed by Wilson Riles, State Superintendent of Education, had chapters in every California county, and included parents, teachers, board members, superintendents, administrators, and others, all joined in their concern that the lack of a second state "bailout" (excess revenue/surplus funds) would not be possible.

These spokespeople came before the full HRC, and after their presentation and an exchange of information on the status of school funding and state legislation, the HRC adopted a Resolution Supporting Friends of Public Schools.

School Suspensions-HRC Study and Recommendations

The HRC has been involved with the community and independently for some years in study and recommended policy for public school suspensions. In its 1979 research, the HRC did extensive examination of suspension policies and status. It noted initially that the 1977-78 school year suspensions of 334 were a significant decline from the 843 in the previous school year. The reasons for this decline included:

- an increase in the amount of counseling of students and the seeking of alternative measures to suspension.
- greater participation and cooperation by parents.
- school leadership and administration attitudes towards school discipline.
- The recommendations of the Task Force on Suspensions, which was set up in 1977 with the strong support and participation by the HRC.

HRC staffers in 1979 also reported that there had been no change the previous school year in the ethnic representation of those suspended, with Blacks still in the majority. One explanation given by one person was that Black students have more difficulty relating to White teachers' supervision. But there were no charges that Black students were being discriminated against in these suspension policies.

The HRC's formal Staff Report on Suspensions for the 1977-1978 School Year was the first since that issued by the HRC in late 1976, and it noted that in early 1977 the Board of Education referred its recommendation to the Superintendent of Schools and staff with a request for monthly reports on implementation. The Task Force on Suspensions was formed in April, 1977, issued its recommendations in June of 1977, and was then dissolved. The Board adopted a student suspension policy in October of 1977; it also adopted a revised and updated Policy on Student

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These concerns naturally occupied all education people throughout the budget-planning period of the year. Some were allayed as a result of the budget finally adopted, but others continued or were added to.

Friends of Public Schools

As the concerns about the School District budget grew, and fears that post-Proposition 13 exigencies loomed nearer, the Committee and the HRC continued its liaison with community groups. One important meeting brought the District's Legislative Liaison, Ms. Pegge Lacey, and Thomas J. Sammon, Project Director, Emergency School Assistance Act Pilot, together with Ms. Margel Kaufman, representing a new statewide coalition, Friends of Public Schools.

The coalition, formed in late 1978, and headed by Wilson Riles, State Superintendent of Education, had chapters in every California county, and included parents, teachers, board members, superintendents, administrators, and others, all joined in their concern that the lack of a second state "bailout" (excess revenue/surplus funds) would not be possible.

These spokespeople came before the full HRC, and after their presentation and an exchange of information on the status of school funding and state legislation, the HRC adopted a Resolution Supporting Friends of Public Schools.

School Suspensions-HRC Study and Recommendations

The HRC has been involved with the community and independently for some years in study and recommended policy for public school suspensions. In its 1979 research, the HRC did extensive examination of suspension policies and status. It noted initially that the 1977-78 school year suspensions of 334 were a significant decline from the 843 in the previous school year. The reasons for this decline included:

- an increase in the amount of counseling of students and the seeking of alternative measures to suspension.
- greater participation and cooperation by parents.
- school leadership and administration attitudes towards school discipline.
- The recommendations of the Task Force on Suspensions, which was set up in 1977 with the strong support and participation by the HRC.

HRC staffers in 1979 also reported that there had been no change the previous school year in the ethnic representation of those suspended, with Blacks still in the majority. One explanation given by one person was that Black students have more difficulty relating to White teachers' supervision. But there were no charges that Black students were being discriminated against in these suspension policies.

The HRC's formal Staff Report on Suspensions for the 1977-1978 School Year was the first since that issued by the HRC in late 1976, and it noted that in early 1977 the Board of Education referred its recommendation to the Superintendent of Schools and staff with a request for monthly reports on implementation. The Task Force on Suspensions was formed in April, 1977, issued its recommendations in June of 1977, and was then dissolved. The Board adopted a student suspension policy in October of 1977; it also adopted a revised and updated Policy on Student

Discipline on September 12, 1978, incorporating state and Board policy changes.

Thus, in 1979 the HRC Staff Report brought statistics (most of them supplied by the School District) from the Annual Report on Student Suspensions for the Fall-1977-Spring 1978, compiled by Robert R. Figone, Student Placement Committee Chairman.

To its original five recommendations, the HRC added seven more:

1. That the Annual Report on Suspensions correlate ethnic identification with cause of suspension.
2. That the Annual Report on Suspensions break down the suspensions by grade level in order to determine the change in suspension rate due to the realignment of grade configuration.
3. That the Annual Report on Suspensions not combine defiance of authority with extortion under Disruption of School Activity as a cause of suspension because of significant difference in the type of offense, but list defiance separately.
4. That each Area Superintendent work with site administrators of schools with significant behavior problems and high number of suspensions, utilizing the approaches used by schools with low incidents.
5. Increased parent involvement at the school side through at least three parent meetings per year to discuss behavior problems.
6. That schools utilize flexible day scheduling, with written parental permission, instead of suspensions to deal with disruptive behavior.
7. That middle school and high school administrators maintain records on the referrals made by teachers to the principal or to the lead counselors. Such referrals can then be compared to the suspension rates for each school.

The Committee had drawn up these new recommendations only after extensive study and input, especially Middle School principals, and principals from some of the major public high schools. Suspensions at the high school level, it found, overall were lower than a year earlier. In one school there was a 30% reduction. The school representatives credited the establishment of codes of discipline with faculty and student involvement, changes in teacher orientation of new students to discipline codes, attitudes, close work between parents and school counselors and an increase in the number of counselors. Especially stressed was the importance of parent involvement.

As a coda to all this activity, in December of 1979, it was announced that the federal Emergency School Aid Act (ESAA) program had included in its regulations the requirement that each school district receiving ESAA funds for middle and high schools give special attention to suspensions, and that annual funding proposals include their work in their field, with appropriate statistics and recommended alternatives. The HRC's status report and its recommendations were incorporated into the SFUSD's most recent ESAA funding proposal, a School District official had revealed.

Commendation to Lucille S. Abrahamson

A formal Resolution of Commendation was voted to Ms. Lucille S. Abrahamson, a member of the Board of Education from June, 1972 through December, 1978 by the HRC. She was praised for consistently supporting quality integrated education. Ms. Abrahamson had worked for many years very closely with the Youth & Education Committee members and individual members of the HRC on education issues.

State Senate Bill 234 - Financing for Public Schools

State Senate Bill 234 (introduced by Senator Ralph Dills) was a measure intended to deal with critical possibilities of the lack or cutback in public financing of schools. It provided for categorical, not block grant money (that is, specific funding for specific programs); it provided multi-not single-year funding; it had an inflationary percentage built into it; and it was anticipated that SB 234 would help reduce the District's anticipated \$23 million deficit to \$10 million.

The Board of Education endorsed SB 234. It was discussed in detail, with the SFUSD's Legislative Liaison present, by the Committee, which brought it to the full HRC, which also endorsed it, urging that the City's Board of Supervisors adopt it as the official City position.

Commissioner Sister Bernadette Giles, accompanied by HRC staff members Essie Thomas and Gail Roberts, then appeared before the City's State Legislation Committee to urge City action upon it.

SB 234 went on to the State Senate which passed it, but it was killed in the Assembly's Education Committee.

The Board of Education adopted a total budget of \$181.1 million for the 1979-1980 school year; of some 1,204 certificated (teachers) personnel laid off at mid-year, approximately 806 had been re-hired by late Fall, but after a bitter teachers' strike.

Summer Youth Program Concerns

Commissioner Enola Maxwell had expressed concern at an early Spring HRC meeting that the federal Summer Youth Program was considering exempting 14-year-olds for the summer of 1979 and she asked the Committee to investigate.

The Committee heard from Fred Reid, Supervisor, Recreation & Park Department, and Darlene Coles, Director, Summer Youth Program. Ms. Coles said that the program would hire 14-year-olds that summer, but said also that in 1980 they might be eliminated from the federal program. Accordingly, the Youth & Education Committee announced it would monitor the 1980 legislative progress for funding for this program to continue community concerns about possible cutbacks. The HRC also recommended that the 1980 Summer Youth Program begin operation a week after the official school closing, to prevent the two-week gap that occurred in 1979.

Balboa High School Code of Ethics

On learning that this public high school student body had adopted a model seven-point Code of Ethics, the HRC heard a brief presentation about the Code and voted to commend Balboa for it. The Code reads:

"As a Balboa High School student, I want to give the most I can to it in order to get the most I can from it. I want to be the BEST BUCCANEER I can be.

Therefore, I adopt the following code of ethics as my own:

- 1) Balboans respect each other, as they respect themselves;
- 2) Balboans are proud of their cultural background;
- 3) Balboans take pride in the appearance of their school;
- 4) Balboans always keep up their spirit and pride, whether in good or bad times;
- 5) Balboa students and faculty respect each other;
- 6) Balboans conduct themselves, wherever they are, in such a way as to reflect good on the reputation of the school;
- 7) Balboans know that to be a winner, you never "quit."

The HRC also congratulated Balboa High School on the occasion of its fiftieth anniversary.

Mayor's Youth Service Office Program

Twice in 1979 the HRC heard status reports on the activities and services of the Mayor's Youth Service Office program. The MYSO was founded by the late Mayor George Moscone in February, 1978. It is funded under the Youth Employment Demonstration Project of the U.S. Department of Labor's Comprehensive Employment Training Act (CETA) and received \$2.8 million in the 1979-1980 fiscal year beginning in October.

The main focus of the MYSO is youth unemployment, particularly among minorities and the disadvantaged, whose rate of unemployment was as high as 50%.

In the first year of the Program, 1,000 client-youths were served. In the second year, 3,370. The HRC is represented on the Employment Training Council, which hears proposal requests from the community. Six major divisions operated out of the MYSO: the Youth Employment Advisory Unit, performing basic intake and assessment of applicants; Individual Referral for economically disadvantaged youths 16 to 21 to vocational training; Open Road/New Jobs, offering a two-week career exploration course and a six-month, 100% subsidized work experience; Community Mental Health Services, providing vocational training and placement services to youth referred from CMHS; Youth Transitional Employment Program, providing employer-training to referred youths, with wages paid out of the YTEP funds; a Placement Unit; and Youth Community Developers, a local community-based agency giving clerical training.

Twenty subcontracts were funded by the Employment Training Council in fiscal 1979-1980.

Remedial or basic educational program components are stressed. About 10% of the youth tested in the MYSO, it was reported to the HRC, had a third-grade level reading test record. It was estimated that about 1,900 would be served by the Program in fiscal 1979-1980.

Recreation Center for the Handicapped

Janet Pomeroy, the founder and Executive Director of the Recreation Center for the Handicapped in San Francisco, made a full presentation on its services to the Committee. Eighty percent of its funds come from federal, state, and local sources, with the remainder from private donations. It serves all ages, seven days a week, with special adult classes in the evenings. It receives no financial support from the Board of Education, although it renders educational services to children that, Mrs. Pomeroy said, often is the means by which they can enter regular public schools.

The Committee recommended that a task force be set up to see if some local funding under Special Education Programs of the SFUSD could not go to the Center. The task force later said that such money could be granted if it were shown that children under Individual Educational Programs could only receive needed services at the Center.

In San Francisco, the Recreation Center for the Handicapped is at 207 Skyline Boulevard.

O'Connell School of Technology Admissions Policies

Community concerns brought to the Committee about the small representation of minority students at John O'Connell School of Technology resulted in a discussion at the Committee level, and a report to the HRC on the admissions policy of the school.

Alberto Aramedia, Assistant Principal, satisfied the Committee, it reported, that there is an earnest effort to recruit minority students. Some of the problems the school addressed were the recruitment of female students for vocational education in fields where there had been relatively little interest or opportunity until recent years, and the difficulty as well as recruitment of women as teachers in crafts and technical subjects. The latter problem stemmed partly from the fact that seven years' experience in the field is required.

Mr. Aramedia produced figures that showed there had been, over a four-year period, an annual increase in the number of minority and female students.

School District Budget Analysis Post Proposition 13

The Committee brought to the full HRC an analysis produced by the Budget Office of the San Francisco Unified School District of the fiscal projections of the 1979-1980 fiscal year budget and how it might be affected by various pieces of legislation introduced in Sacramento in the California Legislature. Both at the Committee and HRC level, there was continued concern and liaison work with educational sources as during the year more worry was generated by the looming deficit for public education.

Of the approximately 1,058 public school teachers who received notices of dismissal (notified, by law, in March), it was estimated that some 658 paid out of the General Fund were most likely to be fired. (See under the section above on Senate Bill 234, that the Board finally adopted a total budget of \$181.1 million, and that of some 1,204 certificated (teachers) personnel laid off at mid-year, approximately 806 had been re-hired by late Fall, but after a bitter teachers' strike).

The HRC's special concern, with others in the community, was that longer-tenured minority teachers who were either not in bilingual or special education work (which were to be kept nearly whole because of

special mandated state funding), might see less-tenured teachers retained over them.

In mid-1979, HRC staff reported that the breakdown of the SFUSD teaching staff was 69.2 nonminority (White), and 30.8% minority. The female staff was 63.1%.

The Friends of Education, (also described elsewhere in this Section) were given great credit for their continued advocacy work during the school budgeting crisis months. Commissioners stressed that the basic concern of the HRC with the layoffs' possible effect on employment opportunity and security went hand in glove with its larger concern for the possibility of a drastic drop in the quality of education for San Francisco children.

A School District official (the Coordinator of the Budget and Finance Committee) reported that in the past five years in San Francisco there had been a (public) school student population decline overall of 5%, a decline in classified personnel (all except teachers) of 14%, a drop of 21% in certificated (teachers) personnel, and a reduction of 37% in administrative personnel. Contrary to popular public belief the School District had, in 1979, half the number of administrators he had before the passage of Proposition 13.

School Strike - HRC Action

Because of community tensions that surrounded the several weeks that San Francisco public school teachers were out on strike over layoffs and salary levels of their contracts and other issues, the HRC in October wrote formally to the Mayor as follows:

Mayor
City and County of San Francisco
City Hall, Room 200
San Francisco, California 94102

Dear Mayor Feinstein:

There are times in the history of a community when voices must be raised in defense of both parties to a struggle for what each considers its basic human rights. At such times of crisis in San Francisco, it is imperative that the Human Rights Commission of the City speak out on behalf of both contending parties and plead for a resolution of those differences which keep them apart. On the one hand, in the current teachers' strike, we have the rights of teachers to a wage increase to match a spiralling cost of living, to job security commensurate with their

professional training and experience, and to conditions of employment which are most conducive to their own morale and to the well-being of the children whom they teach. On the other hand, we have the rights of a school administration to determine the limits of its spending power and the constraints within which it can best provide for both students and teachers. Caught between the two contending parties are the children of the City who have the right to a quality education in a safe and wholesome environment under the direction of teachers qualified in their respective curriculum areas for at least the minimum number of days required by state law.

The Human Rights Commission urges all parties involved in the current strike to work towards a speedy resolution of their present impasse. The Commission recognizes that concessions will have to be made on both sides, but it is only by mutual compromise that the best interests of both teachers and students will be served. Teachers need students; students need teachers. The HRC has faith in the good will of those negotiators who represent both sides in the struggle to arrive at a balanced and reasonable solution to a crisis which can only worsen as time goes on and which could threaten the future of public education in our City.

Sincerely,

David K. Yamakawa Jr.

HRC on Proposition 1, State Anti-Busing Measure

Proponents on both sides of this November state ballot measure, called the "State Pupils: - Transportation" amendment to the State Constitution appeared before the Committee, which, after deliberation, voted to recommend that the HRC oppose Proposition 1. In its presentation to the full HRC, the Committee stated that although Proposition 1 purports to bring California law regarding school desegregation into conformity with the U.S. Supreme Court's decision, it is perceived by the general public to be an anti-busing proposal. Because anti-busing can be interpreted as anti-desegregation (of public schools), therefore, in view of the historic stance of the HRC on this issue, the Committee urged opposition.

It was not without HRC internal disagreement on a position on this measure that a final divided vote, in favor of opposing Proposition 1, was taken. Proposition 1 was defeated in the November election.

Special Education Teachers-Letter To Superintendent

In a further action in the field of Special Education faculty at the San Francisco Unified School District, the HRC Chairperson wrote, on recommendation of the Committee and on voted authorization of the full HRC, a letter to Superintendent of Schools Robert Alioto urging that all teachers of students in special education classes (those with physical, emotional, or mental handicaps and needs for special instruction) be fully credentialed, and not selected from the ranks of those teachers who have only emergency credentials. It further recommended that only those teachers who concur in a transfer to special education classes be assigned to them.

Presentation on Shelter Care School

Shelter Care School opened in September, 1979, with Connie Benz, a veteran member of the staff of the SFUSD, as coordinator. Ms. Benz came to the HRC in late November to explain in some detail the work of this institution, described as an effort to provide social and educational services to sheltered children in a new way. (Sheltered children are those who need temporary care because they have been abandoned, or physically or sexually abused by a member of their family.)

Ms. Benz explained past policies for handling sheltered children, with placement housing at the Youth Guidance Center (while waiting for placement decisions by the Juvenile Court) or, hopefully, in temporary, emergency, foster care homes.

Shelter Care School provides, Ms. Benz said, the possibility for a more active involvement by the sheltered child with the people serving them. Three teachers (in 1979) were giving elementary, middle, and high school instruction, aided by CETA recreational, security, and instruction aides. Since September of 1979, 92 students had been assigned to it. A maximum of 45 students could attend classes, in order to keep the teacher-pupil ratio at 1 to 15. The average stay of each child was one month; some stay as briefly as one day. Of the 92, 43 were Caucasian; 32 were Black, 11 were Hispanic, 1 was Asian, 1 from Fiji, 1 Samoan, 1 Arab, and the rest were classified as Other White. The age range was 6 to 17. The maximum age is 18.

Both the Department of Social Services and the SFUSD fund the Shelter Care School program, with the District providing the School (an unused building it rents out), teachers, and supplies.

Newcomers School Visit

This unique program, which received national attention, seeks to provide basic English-language training and orientation to nonEnglish-speaking students newly-arrived in the United States. Because of the

rapidly-changing internal conditions in Asia, San Francisco in particular was receiving daily scores of Cambodian, Vietnamese, and other Southeast Asian young people.

The Committee had a guided tour of the school, where they observed testing for the new students to determine their abilities in English. Although one year is the maximum time a student can spend there, many make rapid progress under the intensive English classes, augmented by mathematics, social studies, biology, typing, and other classes taught by bilingual instructors.

At the time of the HRC tour, some 375 students could be accommodated, and another junior-high school facility was being used to train some 300 others.

Commissioners had high praise for the enthusiasm of the faculty and the energy and application of the students.

Educationally Handicapped/Educable Mentally Handicapped Programs

Theodore Scourkes, Coordinator of the School District's Special Programs and Services office, along with Grace King, of the Referral Sources Assessment Team, and Ms. Graciela Spreitz, Program Manager, Special Education Instructional Services, were guests for a full presentation at the Committee, in response to the HRC's Recommendations on Programs for the Disabled adopted June 5, 1978. There were seven recommendations, and the guests reported on progress made by the District in implementing them. HRC work in this area dates back to 1975, when an in-depth staff report was made on the subject (October 9th).

Many of the HRC recommendations had been acted on, it learned, but a continuing point of concern was that there still was a disproportionately large concentration of Black children in these special programs, and the District still had not been able to determine the reasons. Intelligence Quotient (IQ) tests had not been given since 1972.

As of December 1979 there were some 300 students in the Educable Mentally Handicapped classes, while there were approximately 2,400 students in Educationally Handicapped programs. The latter students are those with a learning disability, or with a discrepancy between the student's ability and achievement.

- It was found that the HRC recommendation for preparing teachers for disabled students was done through in-service training.

- SEARCH AND SERVE information on the programs was, on recommendation, circulated in Chinese, Spanish, and Tagalog versions as well as English.

- An effort continued to ensure that no pupil be obliged to wait more than one semester for services had not been successful, because

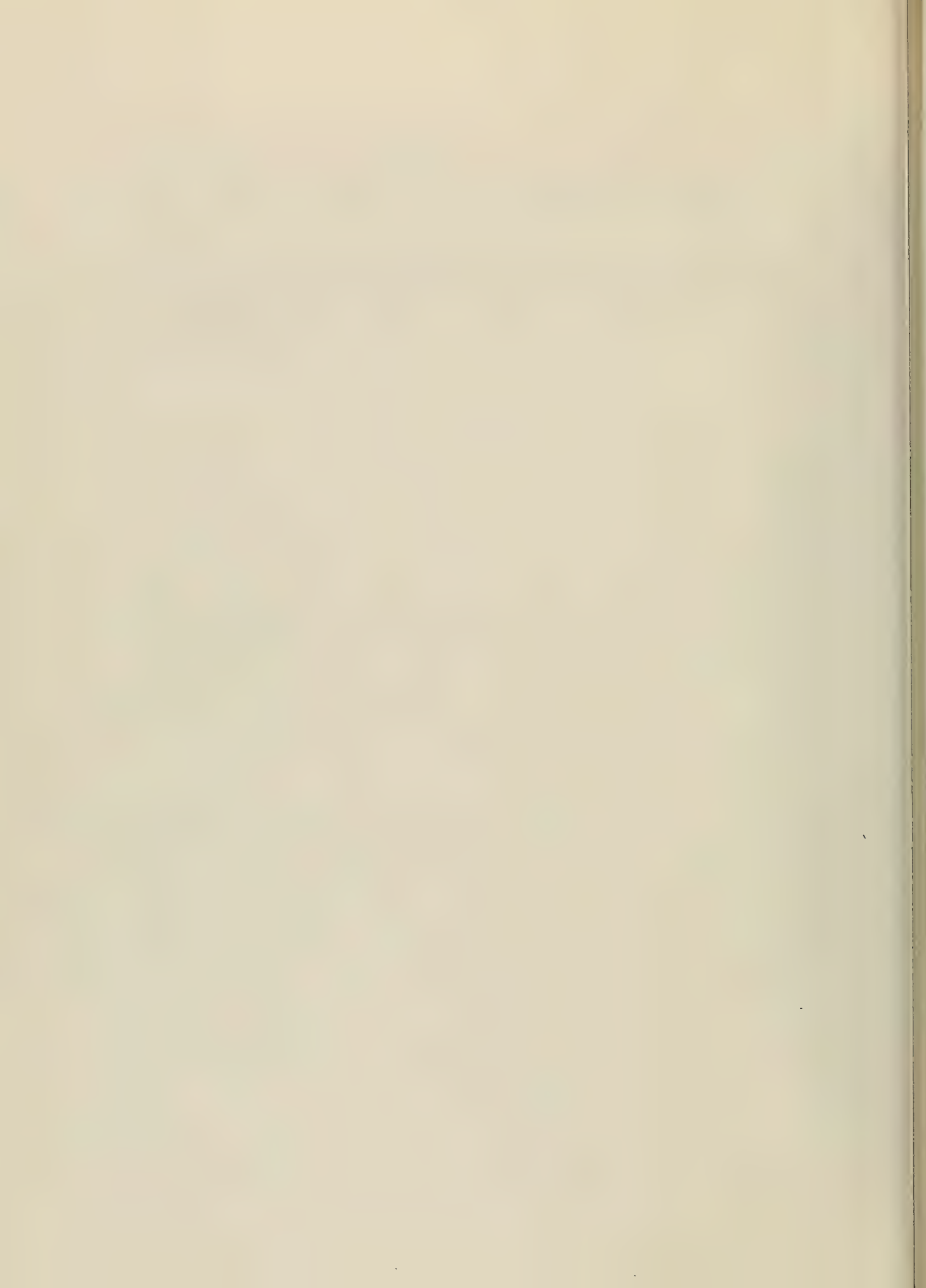
there were not enough qualified teachers for this special work.

- Efforts were made to provide classrooms and place classes where they were conducive to the best interests of disabled children.

The HRC was told that there are two difficult demands made on the District: those of parents who wish their children to be in "mainstream" regular classes, and those from parents who want them in special classes.

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P O L I C E L I A I S O N / S O C I A L I S S U E S



Recommendations on Charge Bargaining

The issue of the status of the process of charge bargaining as used by the Juvenile Court was first before the Police Liaison Committee in 1977, before it was merged with the Social Programs Committee to become the Police Liaison/Social Issues Committee, in September of 1978.

Charge bargaining (the counterpart of plea bargaining in adult courts) is the process of negotiating a settlement of the allegations against a youth. The negotiations are carried out between counsel for the youth and the office of the District Attorney or the Juvenile Court, and usually involve dropping or altering some charges.

The Police Liaison Committee held a number of discussions in 1978 on the issue, with input from community people and professionals in law enforcement and juvenile fields, and with consideration of a formal study by Mary Bangston, done in 1977. Only members of the former Police Liaison Committee voted to recommend the final material to the HRC.

The HRC voted to adopt the following five recommendations and forward them to Robert J. Drewes, Presiding Judge, Juvenile Court:

1. That the Juvenile Court establish and implement written criteria for the placement of juveniles;
2. That there be a division of assignments, to the extent practicable, within the Probation Department, so that staff who work closely with youth and communicate in confidence with them will not also do investigative work for the Juvenile Court;
3. That informed consent by the parent or guardian be obtained by the Juvenile Court for charge bargaining and/or placement arrangements made involving a minor child for whom that adult has legal responsibility;
4. That those departments involved in juvenile justice, especially the Public Defender's Office, the Probation Department, and the District Attorney's Office, should have their staff increased to the level consistent with effective functioning; and
5. That relevant data regarding the charge bargaining criteria be included in the Juvenile Court Annual Report. This should include data on the following items: 1) amount of charge bargaining; 2) age, race, sex distribution; 3) original and bargained counts; and 4) dispositions on bargained petitions.

Director Mickins then conferred with Judge Drewes on his reaction to the recommendations, and provided him with materials for further study, dating back to 1976, and a San Francisco Civil Grand Jury Special Report on Log Cabin Ranch Vocational and Guidance Program, including also the HRC's Juvenile Court Study with recommendations adopted in February of 1977.

In June of 1979, Director Mickins received a long letter from Joseph J. Botka, Chief Probation Officer, commenting on each of the five HRC recommendations agreeing in full or in part with most of them.

Police Gang Task Force

A public report that the San Francisco Police Department intended to disband a unit known as the Gang Task Force caused concern by some residents of Chinatown, and on the request from Commissioner Pius S. C. Lee, HRC staff looked into the matter.

The Police Intelligence Unit staff, based at the Hall of Justice, and containing Chinese-speaking officers, reported that there were no plans to disband or reduce in size the Gang Task Force. It continued to work in its special field, and was judged effective in keeping youth gang activity to a minimum in Chinatown. Chinese-speaking officers were routinely assigned to Central Station, located in Chinatown, the lack or scarcity of which had been a long-standing point of contention from the Chinatown community.

Resolution on Indochinese Refugees in San Francisco

In the Spring and Summer of 1979, San Francisco became the entry port and focal point of a huge influx of Indochinese refugees from the wars in Laos and Cambodia, and the "boat people" who fled Vietnam by sea. The federal government announced that it had doubled its annual admission of Indochinese refugees to 168,000 a year, most of them entering through either San Francisco, Los Angeles, or Seattle. But San Francisco, near to a large military airbase to which cargo planes were bringing thousands every week, felt the greatest impact.

There were varying community reactions, among them concern about the ability of the social service structure to support the refugees and also the ability of the system to absorb and employ and house them.

The HRC, mindful of its role in reducing community tensions, adopted a formal Resolution on Indochinese Refugees in San Francisco. It expressed "deep concern" over the abuse of basic human rights in Southeast Asia, and its support for government policies, on all levels, that would increase the admission numbers and basic social services. It urged further that "San Franciscans and their neighbors in the Bay Area to demonstrate, as many already have, a supportive welcome to those refugees arriving... whether to become residents or in transit."

Resolution on Nicaraguan Refugees in San Francisco

In the weeks before, during, and after the political revolution in Nicaragua and the end of the regime of Somoza, many citizens of that country fled, most of them to the United States, and most to California and San Francisco. The Hispanic population of San Francisco has a large (some claim the majority) proportion of Nicaraguans.

After staff research to determine the size of the refugee population and what resources were being used and needed to deal with them, the Committee made its recommendation to the HRC, which adopted a Resolution on Nicaraguan Refugees in San Francisco. It urged that the federal government increase the immigration quota maximum to accommodate the refugees, and urged that both the private and the public sector locally in the City give the widest possible assistance in helping find employment, housing, language training, and health care.

Telegraph Hill Neighborhood Center Commendation

On the initiative of Commissioner Pius S. C. Lee, the HRC formally voted commendation to the Telegraph Hill Neighborhood Center "for its eighty-nine years of successful public service to the people of the North Beach, Chinatown, and Telegraph Hill communities of the City."

Its letter of commendation cited the Center's medical, educational, recreational, and social services to these neighborhoods "in the best tradition of multi-ethnic participation in the life of this City."

Endorsement of Disabled People's Civil Rights Day

In keeping with its long identification with the civil and human rights of the disabled (disability is one of the protected categories in the HRC's Nondiscrimination Ordinance), the HRC voted formally to endorse Disabled People's Civil Rights Day, in San Francisco and nationwide, on October 20, 1979.

The HRC's Policy Statement Regarding the Physically Disabled was passed in November of 1975.

On October 20, several thousand persons marched to the Federal Building (where the Department of Health, Education, and Welfare main offices are, and where many demonstrations regarding accessibility of the handicapped to federal buildings and services have been held) to publicize and dramatize the need for a unified effort of disabled people and others to secure and extend full human rights for all disabled people in the nation.

Endorsement of Sixth Street Park Project

Glide Memorial Church, which acquired a lot at Sixth Street and Minna, south of Market in a target area of the City, sought private donations to build and maintain a park. The area, according to Glide, had a neighborhood population of residents who included the elderly, Pilipino immigrants, and transients with no permanent address. And Glide said the project had been launched in response to stated needs of these and other groups, including children, for open space. Glide staff was scheduled to provide maintenance, and some social service agencies offered other forms of direct assistance.

The HRC, on recommendation of the Committee, formally endorsed the concept of the Sixth Street Park project of Glide Memorial United Methodist Church.

Co-Sponsorship of Martin Luther King, Jr. Celebration

The HRC voted in late 1979 to co-sponsor, with the Conference on Religion, Race and Social Concerns, a Martin Luther King, Jr. Celebration observance to be held on Sunday, January 13, 1980. This was to be the tenth anniversary year since Dr. King's assassination in Memphis, Tenn.

The observance was to consist of a march, rally, and church service at a major Black San Francisco church.

Resolution on Patients' Rights

The issue of patients' rights implemented as policy of San Francisco Mental Health Service facilities came to the HRC through Commissioner Donna Solomon, who referred a letter and proposed resolution from the Bay Area Committee for Alternatives to Psychiatry (BACAP, an advocacy organization with national and even international scope) to the Committee.

The Committee held three meetings in as many months on this weighty issue. Input came from representatives of BACAP, Community Mental Health Services, and the Department of Public Health. One entire meeting covered the use of psychotropic drugs and patients' rights regarding being treated with them.

The Committee position, as voiced by Commissioner Lia Belli, was that while it was sympathetic to the realities of Department of Public Health financial and administrative strictures, it felt it had an obligation to study and recommend a public position on patients' rights, particularly what is called "informed consent" to the administration of certain drugs, called psychotropic drugs, which may alter consciousness or affect the central nervous system.

At the HRC discussion level were persons with expertise in this field from both advocacy and social agency viewpoints. It was noted that Title 9 of the California Administrative Code was expected to be adopted by the State Department of Mental Health in early 1980, and that it would include provision for written consent by voluntary patients regarding psychotropic drug treatment. One of the most difficult points in the debate is to what extent involuntary patients, who may be a danger to themselves or others especially when first admitted for treatment, can have the right to refuse medication.

It was stressed that the HRC was not taking or making any medical decision about psychotropic drugs or their use, that it was not being asked (by the Committee) to support a ban on the use of psychotropic drugs, but that it was asked to make sure patients are informed of possible side effects.

BACAP's position as expressed was to commend the HRC for its action, and to reiterate the organization's stance that "forced drugging is an invasion of another person's mind and body, a kind of assault." BACAP estimates that 300,000,000 psychiatric drug prescriptions are issued annually in the U.S.

The HRC's Resolution Urging Protection of Patients' Rights in San Francisco City and County Mental Health Service Facilities urged three specific and appropriate enforcement mechanisms for adoption by the Department of Public Health "to assure as far as possible the basic patient rights of information and formal consent.":

1. After medical counseling, consent forms to be signed by all patients, such forms to follow the model proposed for Title 9 of the California Administrative Code, Subchapter 4, Community Mental Health Services; Article 5.5

Voluntary Patients' Rights to Make an Informed Decision About Treatment with Anti-psychotic Medication. In cases where an involuntary patient's written consent is not obtained, staff should make a written record for the case file of why not.

2. Inclusion of all patient consent forms in their medical case records.
3. Periodic review of medical case records on all administrative levels to assure that such consent forms are retained.

This action was taken in 1979. HRC staff did follow-up with the Community Mental Health Services department staff continuing to urge implementation.

Statement on Iranians' Rights in San Francisco

The taking of American embassy personnel as hostages by the militant Revolutionary Council in Iran in November of 1979 provoked extremely strong reactions from the American public. Because of high emotions about this action, the HRC felt, on the basis of reported incidents of threats and actual physical assaults against persons on the streets actually, or even only thought to be, Iranian, that it was important that there be no relaxation of vigilance for the protection of basic democratic principles.

STATEMENT URGING CONTINUED RESPECT FOR AND PROTECTION OF THE BASIC HUMAN RIGHTS OF IRANIAN PEOPLE, STUDENTS OR OTHERS LIVING IN THE CITY AND COUNTY OF SAN FRANCISCO.

The Human Rights Commission wishes to add its official voice to those of other community groups in urging that all persons in the City and County of San Francisco by their actions re-affirm this country's civil rights protections as they apply to Iranians, be they students, visitors, or permanent residents.

In this time of continuing high emotion over the actions of others thousands of miles away, we call on all Americans to guard against any discriminatory actions that would deprive Iranians of those rights and liberties that we assure for any and all minorities, be they national, religious, ethnic, or ideological/political.

Attacks or acts of discrimination against any person because of his or her ancestry or national origin should be specifically rejected, especially as only violators of our local, state, and national laws can be charged under our legal system.

Let us have reason and calm to contrast with riot and inflammatory rhetoric; let us not descend to lawlessness nor injustice to assuage frustrations and resentment.

The HRC believes firmly that this crisis will one day be resolved, and that San Franciscans will want to be judged as having been fair and true to their democratic principles when their feelings were tried severely.

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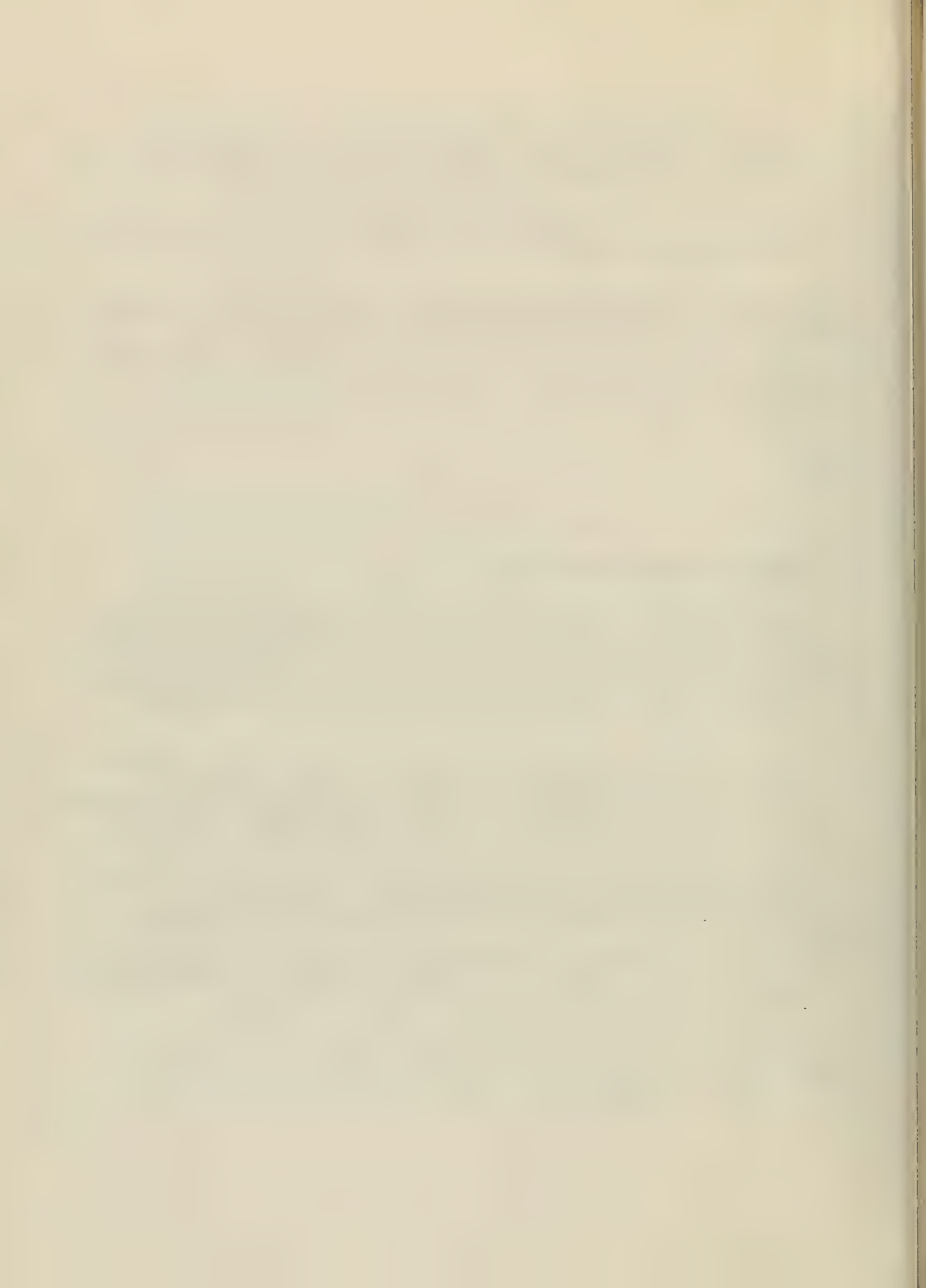
Adopted by the HRC
December 13, 1979

Gun Control Legislation Support

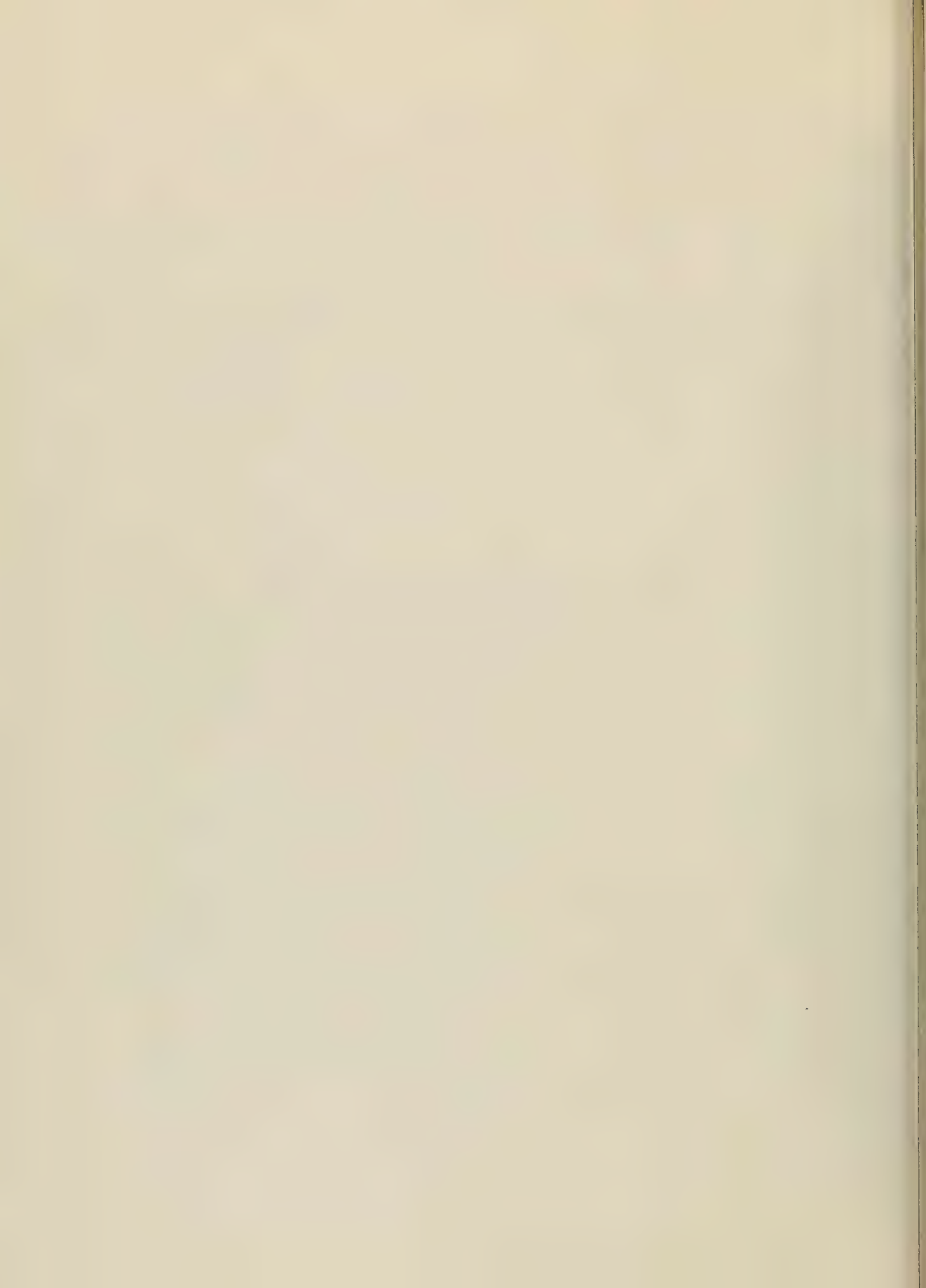
The HRC has a historic precedent for its continuing support for legislation on all levels of government that would provide some measure of control over the private possession of handguns. Three times, in 1969, 1972, and 1973, it has passed resolutions calling for a national gun control policy. It has a continuing association with the local Handgun Control Coalition of California.

John Molinari, President of the Board of Supervisors, introduced a resolution at the Board calling on President Carter to introduce and support strict national gun control legislation. Such grim statistics as the fact that 25,000 Americans are murdered annually with handguns, that 100,000 are wounded from handguns, and that there are more than 50 million private-owned handguns in the country, and that the gun murder rate in the United States (per 100,000 population) is 100 times greater than England's and 200 times greater than Japan's---both countries with gun control laws) were recited in his resolution.

The HRC endorsed the proposed Molinari resolution, and testified in its favor at a Board committee hearing. The State and National Affairs Committee tabled (killed) the proposed resolution in May.



1979 COMPLAINTS CASELOAD



- COMPLAINTS CASELOAD REPORT FOR 1979 - Jack Casford

The Human Rights Commission's 1979 internal reorganization, whereby it set up two main operating arms---the Office of Dispute Resolution and the Office of Contract Compliance---is reflected in its compilation of complaints handled by staff for the year.

While there was a substantial decrease in the total number of 1979 complaints (727) as compared to those for the previous year, 1978 (1,040), there was a substantial increase in the numbers of complaints that became full-scale investigative cases leading to rulings, Director's findings, and other types of resolution.

The overall decrease also was attributed to the significant drop in the total number of Gay rights complaint cases reported (1979: 74; 1978: 330), attributable to the effectiveness of both statutory protections for the rights of Gay citizens, and to the wider range of advocacy agencies and organizations for them.

The breakdown by general category for 1979 was:

Employment.....	295
Housing.....	195
Gay Rights.....	74
Education.....	20
Other (personal problems; conflicts with public agencies; many forms of alleged discrimination; emotional and/or mental disturbances, etc.).....	143

727

With increased emphasis on its mandate to monitor and implement affirmative action by City contractors, the HRC found the field of Employment grew more than any other category during 1979.

The Employment category covers, as always, a wide range of staff actions, from more or less routine counseling and referral for an individual, to the bringing of formal charges of noncompliance against major firms with large City contracts.

One senior staff member who has many years of experience in Civil Service complaints tallied 192 such cases during 1979, up 32% over 145 in 1978. He reported a continued decrease in pre-employment complaints, but an increasing number of in-service complaints by City employees regarding promotion, transfer, discipline, working conditions,

etc. The fewer pre-employment complaints were due to (1) limited hiring by the Civil Service Commission during 1979, and (2) increased involvement and awareness of community-based referral agencies with the Civil Service system. Class action complaints also are developing into what he calls a "noticeable trend." Three general problem areas in the Civil Service system which continue to be of critical concern to the HRC are:

1. Persons discouraged from applying for City jobs because of fear of failure, historical group exclusion, lack of faith, or negative experience with government in general.
2. Persons excluded by artificial barriers at the pre-employment stage.
3. Persons already in the Civil Service system who allege unfair treatment in assignment, promotion, lateral mobility, or in other related employment matters.

Housing, as one of San Francisco's most critical urban problems marked by skyrocketing rents, massive condominium conversions, and unavailability-at-any-price, naturally is always a cause of anxiety. The HRC has, for all its history, been a resource to try to deal with housing complaints. Ironically, even with the past two years of change, wherein the Mayor's Citizen Assistance Center, 1979's Residential Rent Stabilization & Arbitration Board, and other agencies began handling housing complaints, the HRC's Housing Representative still handled 195 cases during 1979, ~~nine~~ more than 1978's 186. This was extraordinary because of the afore-mentioned new resources for these problems. Evictions and rent increases and discrimination charges because of race, or blindness, or marital status, or children in the family dominated the cases.

It must be stressed that complaints are handled by all professional staff (twelve reported cases during 1979) in addition to their full workload implementing the City's affirmative action requirements.

All staff, including clerical support personnel who handle in-take and screening before professionals, take complaints, provide basic information and referral, and often can help assuage frustrations and temporary anger by calm discussions by telephone or in person. The frustration level tends to be very high, because people are often referred from one place to another, depending on the time, patience, and personnel availability of the place contacted. The HRC always makes it a policy to listen, to advise, and to be honest about telling what its jurisdiction does not include and what it cannot do. For example, many people believe it has a staff of attorneys who handle individual legal cases. Not so, but it calls for great tact and patience and skill to convince an angry, aggrieved person who wants an attorney---RIGHT NOW!---of that. In the eleven years since 1969, the HRC has handled 10, 600 complaint cases, for an average per year caseload of 963. The

smallest annual total was 1969's 625, and the largest was the 1,182 figure reported in 1977. As stated at the outset, though there may be a numerical decrease for the first time in five years, jurisdictional restrictions and the greater emphasis on affirmative action coupled with the growing complexity of noncompliance cases are increasing the staff responsibility. But the HRC is proud that it continues to be considered a major resource for individuals with problems and grievances in this community.

Mr. Casford stressed that HRC staff emphasizes being patient and explaining thoroughly what can or cannot be done and avoiding giving no-hope responses, even though the complaint may be far beyond HRC jurisdiction.

An increasing number of direct referrals for official HRC investigation of complex disputes come from the Mayor's Office and the Board of Supervisors.

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HUMAN RIGHTS COMMISSION ANNUAL REPORT

JANUARY 1980-JUNE 1981



City and County



of San Francisco



ANNUAL REPORT
of the
Human Rights Commission

1980 – 1981



September 1981

1095 MARKET STREET, SUITE 501

SAN FRANCISCO, CA 94103

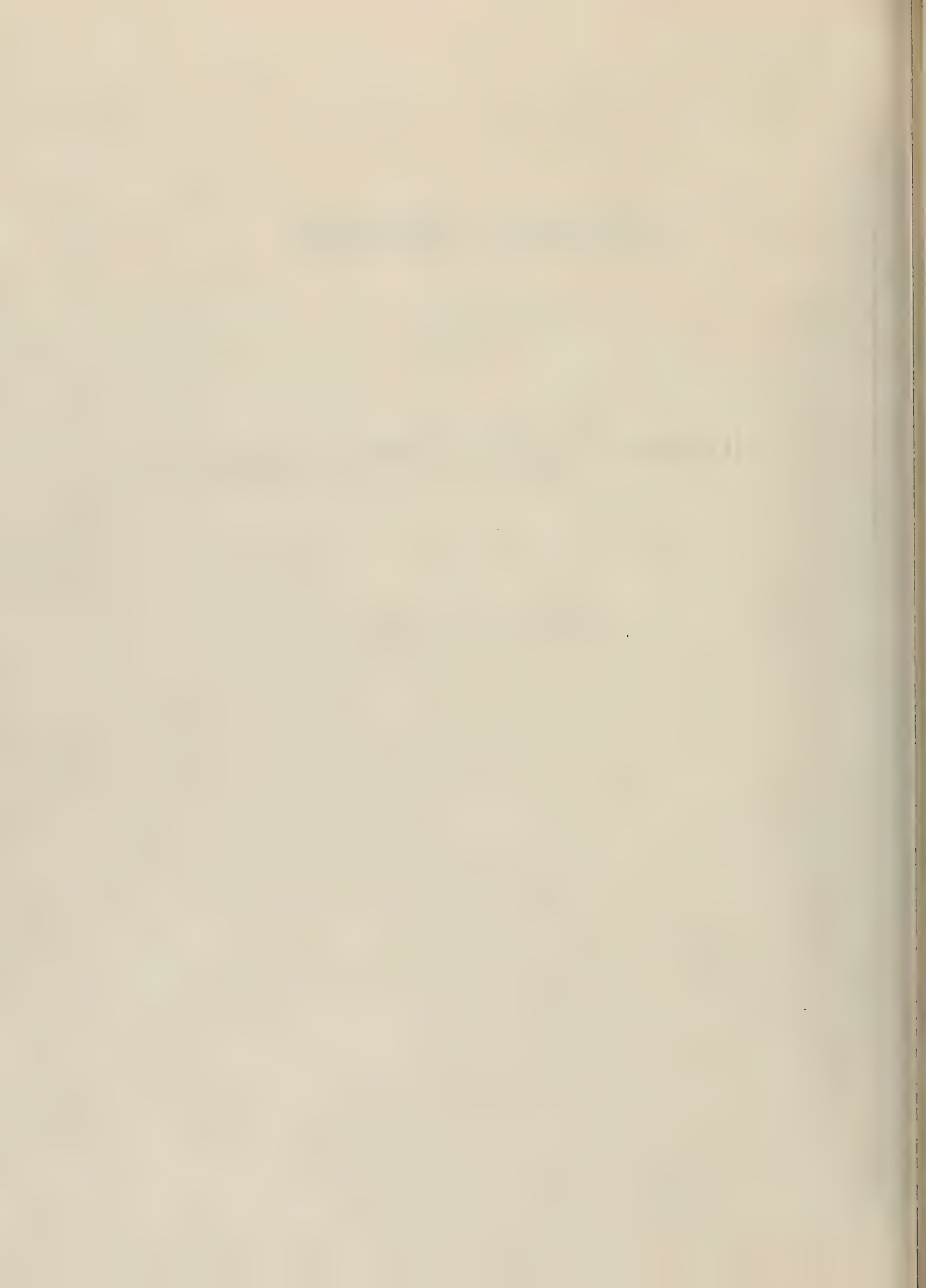


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The Honorable Dianne Feinstein
Mayor
City and County of San Francisco
City Hall, Room 200
San Francisco, California 94102

Dear Mayor Feinstein:

On behalf of the members of the Human Rights Commission and in accordance with the Charter, I submit the Annual Report of the Human Rights Commission for the 18 month period encompassing the 1980 calendar year and the 1980-81 fiscal year.

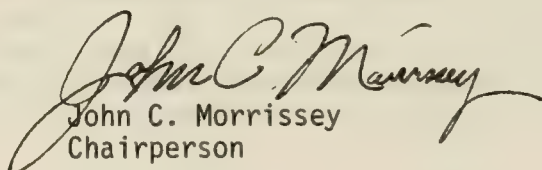
It is our belief that this report reflects significant achievement in advancing the cause of human rights and in increasing opportunities for minority groups to participate more fully in the life of the City and County of San Francisco.

The Commission expresses its appreciation to Grant S. Mickins, Director, and commends the members of his staff for their diligence in providing creative and responsive leadership in promoting affirmative action and in resolving tensions through conciliation and mediation.

We look forward to the coming year in the expectation that this Commission will continue to respond to ever increasing challenges. We thank your office and members of your staff for the help and support you have provided.

Respectfully submitted,

HUMAN RIGHTS COMMISSION


John C. Morrissey
Chairperson

JCM:pa



John C. Morrissey
Chair
Human Rights Commission
San Francisco, California

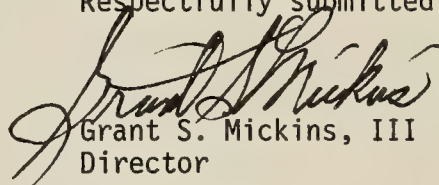
Dear Commissioner Morrissey and Members of the Commission:

As Executive Director, I submit to you and your fellow Commissioners the Annual Report of the Human Rights Commission for the 18 month period encompassing the 1980 calendar year and the 1980-81 fiscal year. This report represents a significant departure from those of previous years. Subsequent reports will be based on the fiscal year rather than on the calendar year as had been done previously. For the transitional period, this report includes the 1980 calendar year and the 1980-81 fiscal year.

The format as well as the time period differs from the previous reporting period. Pictures are included for the first time. Rather than reporting strictly through the vehicle of the standing committees, this report has been restructured to reflect the two offices of the Commission, the funding sources, and the performance measures for each of the HRC's five activities: contract compliance, dispute resolution, Office of Revenue Sharing Compliance, fair housing, and administration.

The Annual Report reflects significant achievements in both contract compliance and dispute resolution. We look forward to the 1981-82 fiscal year in the expectation that the Commission and its staff will weather the increasing assaults on hard won rights for minority groups and will continue to promote affirmative action. On behalf of the staff, I wish to thank the Commissioners for the guidance and support you have provided.

Respectfully submitted,


Grant S. Mickins, III
Director

GSM:GR:bct

HIGHLIGHTS



The Court of Appeal of the State of California reversed the trial court's rulings in the case of Alioto's Fish Company, Ltd., et al. v. The Human Rights Commission of San Francisco, et al. granting a preemptory writ ordering the HRC to refrain from enforcing Chapter 12B affirmative action requirements as part of Port restaurants' leases. The Court of Appeal ruled that Chapter 12B was an exercise of the City's contracting power, that leases were specifically within the scope of 12B's coverage, and the City was authorized to compel disclosure of information sought by the HRC.



Minority businesses were awarded \$69.4 million in construction contracts by the Clean Water Program, representing 17.0% of the total funds awarded, as of June 30, 1981, the highest participation in California.



For architectural and engineering consultant contracts, 37% or \$6.7 million of the total awarded by the Clean Water Program went to minority business enterprises (MBEs).



The MBE participation in 15 Office of Community Development (OCD) funded projects was 29% or nearly \$1.7 million. Minorities worked 50% of the hours on these projects.



Discrimination auditing of Tenderloin hotels collected documented evidence of racial discrimination for charges which were brought against ten hotels by the State Department of Fair Employment and Housing.



The Intergroup Clearinghouse, established at the request of the Mayor, brought together volunteer representatives from diverse groups to act as a mediating force in resolving community tensions.



The Intergroup Clearinghouse provided the forum for defusing Hispanic-Gay community tensions.



The HRC staff dismissal of the bid protest against the \$150,000,000 Southwest Outfall Sewage Project, affirmed by the Regional Administrator of the E.P.A. (U.S. Environmental Protection Agency).



The HRC Policy re: the Use of (Racial and Ethnic Slurs) by City Officials and Employees was adopted by the Civil Service Commission and promulgated to all City and County Departments as official CSC policy.



The HRC's Finding of Noncompliance against Pier 39, Inc. was resolved with an Affirmative Action Agreement designed to increase minority employment and business participation.



HRC staff approved the affirmative action components of the low bids and monitored compliance of 22 contracts, totaling approximately \$412 million, with the Clean Water Program.



The HRC certified all City and County departments' affirmative action plans under its monitoring authority through the Office of Revenue Sharing Compliance Agreement.



Minorities worked 49% of the total work hours in the construction phase of the George R. Moscone Convention Center.



All Commission on Aging contractors, having adopted nondiscrimination statements, were certified by the HRC for the 1981-82 fiscal year.



George Gallup, Jr. responded to the Director of HRC that the comments and documents sent would be of great help in the formulation of future questions on affirmative action. The action by Director Mickins was a formal objection to the distortions in a public opinion poll conducted by the George Gallup Organization which showed that a majority of those queried opposed "preferential treatment" hiring. The Director explained that affirmative action and ability are not, as inferred, mutually exclusive principles.



The first Minority Business Seminar, jointly sponsored by the Airports Commission and the HRC, focused on promoting increased MBE/WBE utilization by Airport tenants.



The HRC began the process of certifying the S.F. Department of Public Health contractors, primarily those for its Community Mental Health Services and Community Substance Abuse Services.



The HRC was the first and only commission to assume administrative responsibilities, provide support services, and generally oversee the operations of a second commission, the Commission on the Status of Women.



The Friends of the Human Rights Commission, founded in January of 1980, was incorporated in the State of California as a nonprofit organization.



The Friends of the Human Rights Commission honored Rabbi Alvin I. Fine on his retirement from the Commission after 16 years of outstanding service.



The Lesbian/Gay Community Liaison position became funded through the General Fund after losing the CETA it has had since 1975.



The HRC adopted management-by-objectives (MBO) criteria and utilized this methodology.

THE HUMAN RIGHTS COMMISSION



The Honorable
Dianne Feinstein
Mayor



John C. Morrissey
Chairperson

The Members



Lia Belli



Samuel H. Chung



Robert D. Edwards



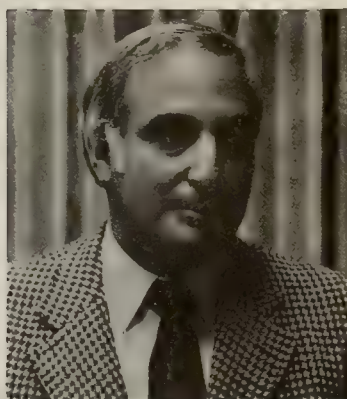
Phyllis Lyon
Vice-Chairperson



The HRC in action . . .



David K. Yamakawa, Jr.



Rabbi Martin S. Weiner



Brenda Wade

of the Commission



Sister Bernadette Giles



Antonio Grafilo



Pius S. C. Lee



Caryl Mezey



Richard A. Sevilla



Clemente Obregon



Joan Zamora Moulton



MEMBERSHIP

The Human Rights Commission is composed of 15 members, broadly representative of the general public and the employer, labor, religious, racial, and ethnic groups in the City and County. They are appointed by the Mayor to four year terms or to fill vacancies for unexpired terms. Those serving on the Human Rights Commission, at the close of the 1980-81 fiscal year were: John C. Morrissey, Chairperson; Phyllis Lyon, Vice Chairperson, Lia Belli, Samuel H. Chung, Robert D. Edwards, Sister Bernadette Giles, Antonio Grafilo, Pius S. C. Lee, Caryl Mezey, Joan Zamora Moulton, Clemente Obregon, Richard A. Sevilla, Dr. Brenda Wade, Rabbi Martin S. Weiner, and David K. Yamakawa, Jr.

RESPONSIBILITIES

The Human Rights Commission, established in July of 1964, operates under Chapters 12A, 12B, and 12C of the San Francisco Administrative Code. The HRC has two divisions: the Office of Contract Compliance and the Office of Dispute Resolution. Through the Office of Contract Compliance, the HRC prohibits discrimination in all City contracts, including real property contracts on the grounds or because of race, color, creed, national origin, ancestry, age, sex, sexual orientation or disability and provides for affirmative action guidelines. Through the Office of Dispute Resolution, the HRC has the power and duty to study, investigate, mediate, and hold public hearings on community-wide problems arising in the City and County which may result in intergroup tensions or discrimination.

MEETINGS AND HEARINGS

The Human Rights Commission generally met twice monthly, on the second and fourth Thursday mornings of the month. These meetings were usually held in the Commission Room of the Main Branch of the Public Library. HRC held 12 regular meetings in the first half of 1980. During the 1980-81 fiscal year, there were 19 regular meetings, 1 special meeting, and 2 informal

hearings to determine the award of a contract under a bid protest. The HRC sponsored a seminar for City departments on the employment of the disabled in September of 1980.

STANDING COMMITTEES

The Commission operated through six standing committees: Administrative, Employment, Gay Advisory, Housing and Urban Development, Police Liaison/Social Issues, and Youth and Education. Commissioners were assigned by the Chair to these Committees.

1. The Administrative Committee was chaired by the Vice Chair of the Commission, Phyllis Lyon, and consisted of the Chairs of each of the other committees and the Chair of the Commission. This committee met on call and was staffed by the Director. Six meetings were held, one in the first half of 1980 and 5 during the fiscal year. The issues under consideration, during the eighteen months of this report were: extensive examination of and support for the HRC budget; consideration of the HRC's assuming administrative responsibility for the COSW; review of the changes in Chapters 12A, 12B, and 12C of the Administrative Code proposed by the HRC's ad hoc Ordinance Revision Committee; review of proposed amendments to Chapters 12B and 12C effecting affirmative action for the disabled; proposed restructure of the Gay Advisory Committee; examination of a proposed amendment to Chapter 12B.4 (c) (5) re: prevailing wages; endorsement of Assembly Bill 2597 in 1980 and AB 1166 in 1981 to provide state encouragement and matching funds for local county human relations/rights commissions; review of the response from the City Attorney which specified that by enactment of an ordinance the HRC can charge fees to bidders on Public Works and improvement contracts; a recommendation re: seeking pro bono legal services; review and approval (withheld) of the proposal by the Chief of Police to station a police officer at the HRC to handle citizen complaints; and discussion of the California Association of Human Rights Organizations conferences, held in Oxnard in June of 1980 and in Asilomar in May of 1981.

2. The Employment Committee was chaired by David K. Yamakawa, Jr., and had been co-chaired by Robert D. Edwards. There were more than 20 non-commissioner members, representing business, government, union, and community interests. Some members have served the committee for more than five years. This committee, currently staffed by Vicky Rathbone, generally met on the first Thursday mornings of the month. There were 20 meetings: 7 during the first half of 1980 and 13 during the fiscal year. Members have found that the committee provided, for them, an opportunity to give input into decisions on HRC policy. In addition, over the years, they, along with the total committee, have afforded the HRC a much-needed external analysis of some issues that have come before it, in addition to having provided technical assistance on matters relating to individual members' fields of expertise. The work of the Employment Committee was fourfold: review of staff reports, development of affirmative action programs and policies; positions on legislation; and study of issues referred by the full Commission. Staff involved in contract compliance generally report to the full HRC formally once or twice a year. The issues pursued by the Committee during these 18 months were: the HRC Guidelines re: the use of arrest and conviction records in the employment and personnel review process of

City contractors and sub-contractors; the status report on financial institutions; the findings of the Committee's Task Force on Apprenticeship; procedures for filing official complaints against City contractors; employment discrimination complaints on the basis of sexual orientation; employment and training as well as MBE and WBE participation for design consultants; report on employment in City-funded construction contracts; status report on employment in the construction of the George R. Moscone Convention Center; proposed and preliminary amendments to Chapters 12B and 12C of the S.F. Administrative Code to strengthen nondiscrimination and affirmative action for the disabled; two status reports on the OCD-funded projects monitored by the HRC; two reports on the monitoring of the City Purchasing Department; the affirmative action report on the Southeast Water Pollution Control Plan - Project "P"; status report on monitoring of Viacom Cable TV and the World Trade Club; monitoring of the Commission on Aging contracts; employment and MBE/WBE participation by S.F. International Airport tenants; settlement of noncompliance complaint against North Point Pier, Inc.; a workshop, held April 23, 1980, on Affirmative Action in Construction Employment in the 1980's jointly sponsored by the Redevelopment Agency and the HRC; presentation by law student intern, Susan Sher, on the recent Supreme Court decisions affecting affirmative action; adoption of uniform racial/ethnic designation categories for the HRC; discussion of Commissioner recommendations growing out of a bid protest; adoption of the revised HRC affirmative action requirements for construction contracts; and adoption of the revised affirmative action requirements for architects, engineers, planners and environment scientists for projects over \$30,000. The Employment Committee, at its final meeting of the fiscal year, established two subcommittees: one to develop HRC guidelines for affirmative action for the disabled, and the other for the revision of the HRC's affirmative action program for construction.

3. The Gay Advisory Committee was established in May of 1975 by action of the Board of Supervisors in amending Chapter 12A to specify a three-person committee. The committee was chaired by a Commissioner Phyllis Lyon and staffed by the Lesbian/Gay Community Liaison, Jackie Winnow. After the first of 1981, the Committee was expanded by the addition of nine new members. The second Commissioner then representing the Gay Community, Steven Stratton, sat on the Committee until his resignation from the HRC in April of 1981. Meeting on the first Tuesday of the month, the GAC held 18 monthly meetings during this 18 month report period. The GAC addressed itself specifically to the identification and solution of problems associated with the Lesbian and Gay communities of San Francisco. The issues pursued by the Committee during these 18 months were: a resolution supporting the march on Sacramento; urging passage of AB 1 adding sexual orientation to the protected classes of the Fair Employment Practices Commission; a letter supporting a proposed resolution by State Senator Milton Marks re: removing the ban on alien homosexuals; a letter to Phil Ragsdale, Sixth Annual National Gay Rodeo, opposing the holding of a national rodeo in a state (Nevada that has not ratified the Equal Rights Amendment; a letter to the Nevada Lieutenant Governor re: his prejudicial anti-Gay statement; a letter supporting the Department of Public Health's proposal to provide special certification for Gay community - sensitive therapists; a recommendation that HRC - initiated Civil Service Commission policies affect all City employees; a letter to Ed Daly, President and Chair of the Board of World

Airways, protesting the use of the word "queer" in a memo to his employees and his letter in response indicating that "queer" did not refer to sexual orientation; co-sponsorship, with the Sexual Orientation Project of the California State Personnel Board, of a Lesbian/Gay Community meeting in San Francisco; co-sponsorship with the San Francisco Women's Center, of a reception honoring Lucia Valeska, Co-Executive Director of the National Gay Force; extensive discussions on issues relative to anti-Gay violence; the functioning of the Advisory Committee to the San Francisco Board of Education on Health and Family Life Education; and demystification of Lesbian and Gay lifestyles in the public schools.

4. The Housing and Urban Development Committee was chaired by Pius S.C. Lee, until his resignation from the Commission in November of 1980, and subsequently was chaired by Commissioner Caryl Mezey. The Committee was staffed by Donald Hesse, Fair Housing Program Coordinator. Meetings were held at the call of the Chair. There were 12 meetings: 4 in the first half of 1980 and 8 during the fiscal year. The primary focus of this Committee was to serve as a forum, bringing together housing advocates, city agency people, HRC Commissioners, and staff, for a mutual exchange of ideas and an airing of problems, solutions, and information. The Committee worked on implementing the HRC's commitment to the Fair Housing for Children Ordinance, to preserving the City's dwindling housing stock, and to affirmative action in subdivision sales. The Committee kept informed on developments in housing legislation on the local, state, and federal levels. The Committee also served as the advisory body for the Fair Housing Program. The membership of this Committee included representatives of the real estate industry and the housing community. The issues pursued by the Committee during these 18 months were the following: a presentation on the Community Reinvestment Act; discussion of supporting the acquisition of the Churchill Street site for a park; discussion of endorsing in principle AB 512 which would add physically handicapped as a protected class for the Fair Employment and Housing Commission; presentation of the Tenderloin Housing Survey; an on-site survey of open space in that area; and adoption of a resolution urging elimination of discrimination in Tenderloin residential housing, following the first of the HRC's two housing discrimination surveys of Tenderloin hotels.

5. The Police Liaison-Social Issues Committee was chaired by Joan Zamora Moulton, co-chaired by Lia Belli, and staffed by Jack Casford. The Committee met on call, generally monthly, for a total of 15 meetings in 18 months; 5 in the first six months of 1980 and 10 during the fiscal year. This Committee was formed by the merger of two formerly separate committees, the Police Liaison Committee and the Social Issues Committee, and performed the work previously done by each with its membership drawn from both. Legal enforcement agencies, including the Police Department, social agencies, and community groups were represented. The issue pursued by the Committee during these 18 months were: review of the proposed new police firearms policy; a presentation on the issue of the overcrowding of prisoners in City jails, particularly those with mental disturbances; endorsement of the concept in principle of the Clayton Street Community Living Center; support for continued federal funding for the Legal Services Corporation; adoption of the School/Community Patrol Officers Unit Plan; a letter in support of Chinese Community protests to the showing of the "Charlie Chan" movie; endorsement of the secondary resources recycling plant project; a statement urging continued

respect for and protection of the basic human rights of Iranian people, students or others living in San Francisco; extensive discussions on an informed consent form to be signed by voluntary patients in City hospitals prior to the administration of psychotropic drugs resulting in a negotiated consent form that would not inhibit patient care; support for the re-establishment of the Police Community Relations Unit in the S.F. Police Department; and adoption of a resolution opposing the closing of the San Francisco Public Health Service Hospital.

6. The Youth and Education Committee chaired by Sister Mary Bernadette Giles and co-chaired by Rabbi Martin S. Weiner and Dr. Brenda Wade, met on the first and third Thursday afternoons of the month, then changed to Mondays. Essie Thomas staffed the Committee. There were 27 meetings held: 9 in the first half of 1980, and 18 during the fiscal year. The Youth and Education Committee fulfilled, through the large number of public agencies and educational groups represented on it, its function of continually disseminating a wide variety of information and recommendations to the public on educational matters related to the HRC's jurisdiction. The issues discussed by the Committee during these 18 months were: Special Education programs, particularly programs for the Educationally Handicapped and Educable Mentally Handicapped; educational standards and graduation requirements; Downtown High School and the expansion of continuation high schools to one in each of the four school areas; Sunset Community Education Center; School Utilization Report including the proposed expansion of continuation schools and the establishment of two traditional schools, one high school and one elementary school; bilingual education and pertinent legislation; a presentation on the "Traveling Video Show"; planning for the 1980 and 1981 Summer Youth Programs and an evaluation of the 1980 Program; a detailed explanation of the San Francisco Unified School District (SFUSD) proposals and pending state legislation for financing public schools; counseling services in the public schools and the impact of staff reductions on services; library services including those in the public schools and those offered children by the S.F. Public Libraries; a commendation to the Board of Education for restoring the sixth period day for those requesting the additional period in middle and high schools, having previously heard representatives of the Ad Hoc Committee to Save the Schools and the San Francisco Association for the Gifted express their overriding concern re: the proposed cutback from six to five in class periods available to middle and high school students; adoption of a resolution of commendation to Dr. George Karonsky on his retirement from the SFUSD; and on-site visits to the School of Business and Commerce, Newcomers High School, and the Teachers Learning Center.

ADMINISTRATION

Budget

SUMMARY OF 1980-81 BUDGET

<u>GENERAL FUND</u>	1980-1
PERMANENT SALARIES	\$ 248,416.00
OVERTIME	300.00
COMMISSIONERS FEES	4,000.00
TEMPORARY SALARIES	36,596.00
MANDATORY FRINGE BENEFITS	64,183.00
PROFESSIONAL SERVICES	1,600.00
Other contractual services (office equipment maintenance copy machine, auditing)	2,320.00
Employees car use	1,101.00
Other (bus) travel	545.00
Other services (phone, postage, subscriptions, printing)	13,523.00
Materials & Supplies	4,537.00
Office Rental	27,975.00
Equipment Purchase	848.00
<u>OTHER DEPARTMENTAL SERVICES:</u>	
Real Estate	145.00
Data Processing	3,826.00
Reproduction (Annual Report)	1,054.00
GENERAL FUND TOTAL:	\$410,969.00

The following special projects were also approved for FY 80-81

Moscone Center -- Total Project	28,893.00
Airport -- Total work order	72,823.00
Clean Water Project total work order	98,086.00
Office of Community Development -- Total project	65,000.00
Total departmental budget	\$675,771.00

*The funding year for this project was 2/1/80 - 1/30/81

The HRC Staff



Richard Norton
Contract Compliance
Officer I



Grant S. Mickins
Director



Vicky Rathbone
Contract Compliance
Officer I



Joseph A. Meza
Program Coordinator



Lydia San Filippo
Contract Compliance
Officer I



Gail P. Roberts
Coordinator



Mary Gin Starkweather
Contract Compliance
Representative



Stanley K. Lim
Contract Compliance
Officer II



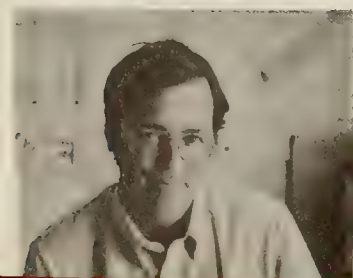
Edward Vurek
Contract Compliance
Representative



Frank Anderson
Office of Revenue
Sharing Compliance
Coordinator



Jack Casford
Human Relations
Representative



Donald Hesse
Fair Housing
Coordinator



Essie Thomas
Education/Employment
Representative



Sally Williams
Intergroup Clearing-
house Representative



Araceli Alberti
Clerk Steno



Jackie Winnow
Lesbian/Gay Community
Representative



Grace Markham
Clerk Typist



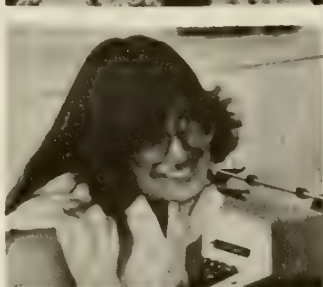
Linell Harden
Affirmative Action
Officer



Blanca C. Torres
Clerk Typist



Julie Yim
Affirmative Action
Officer



Bernadette Patrocini
Clerk Typist



Matthew Cohen
Fair Housing Specialist



Lin Fong Szeto
Account Clerk
(Under EOC's Sr. Wor
Experience Program)



David Treanor
Management Assistant

Comm. on the Status of Women

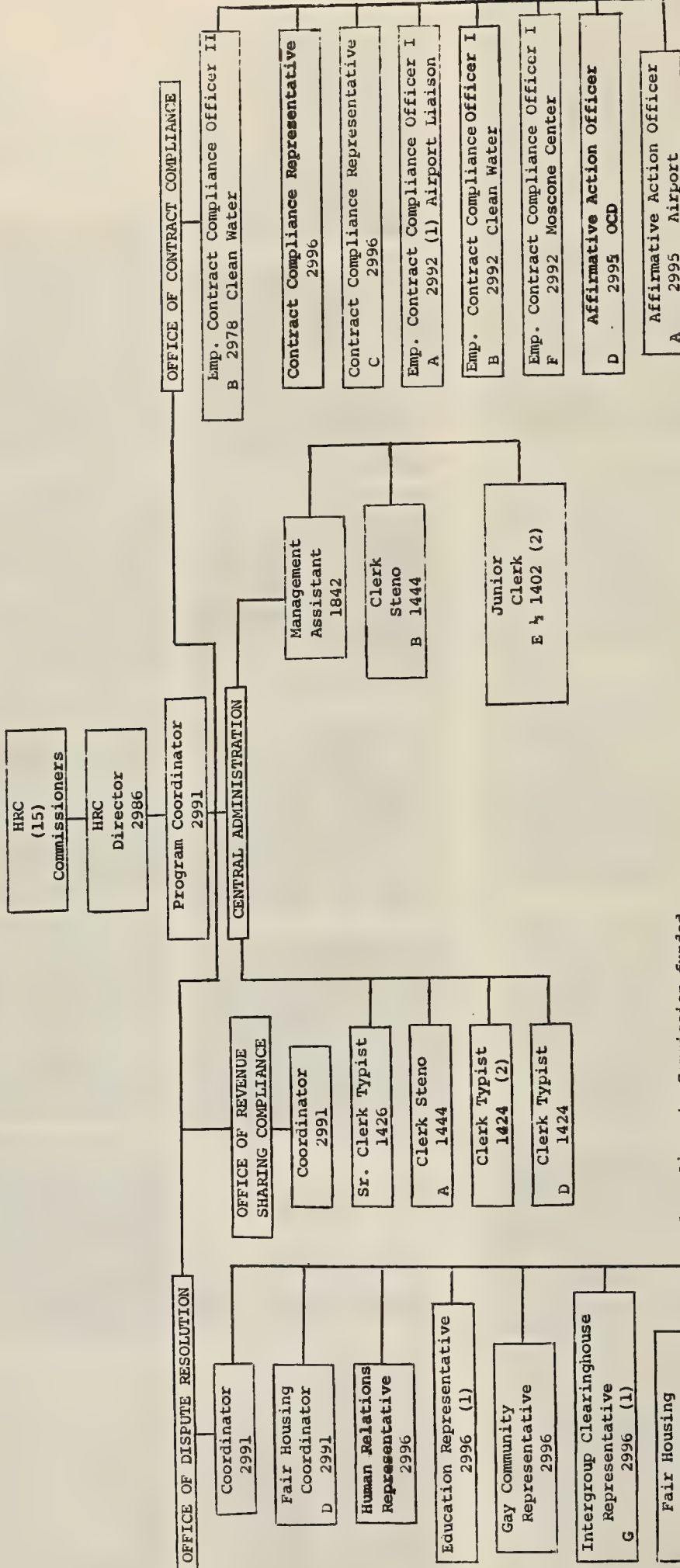


Pauline Anderson



Jacquie Hale

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
ORGANIZATION CHART



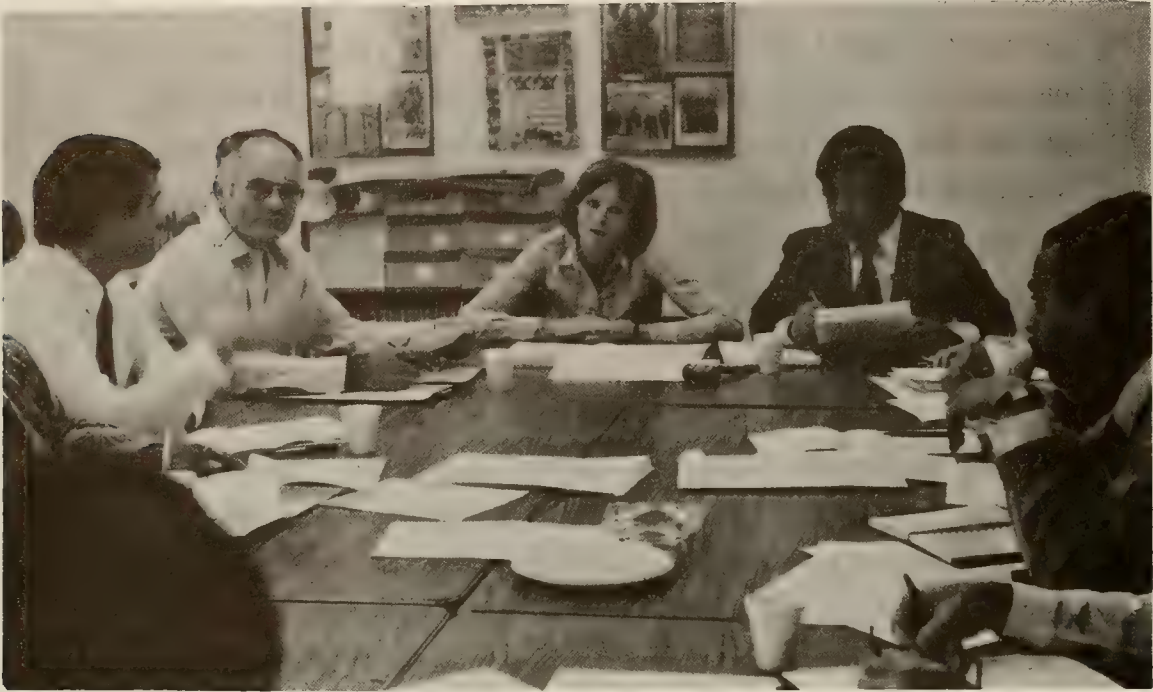
- A - Airports Commission funded
- B - Clean Water Project funded
- C - Commission on Aging funded
- D - Office of Community Development funded
- E - CETA funded
- F - Moscone Convention Center funded
- G - Intergroup Clearinghouse funded

Commission on the Status of Women

Effective as of the 1980-81 fiscal year, the HRC coordinated and provided staff and personnel services for the Commission on the Status of Women (COSW). The HRC was the first and only commission in San Francisco to assume administrative responsibility for a second commission. Both the COSW ordinance, Chapter 33, and the HRC ordinance, Chapter 12A, of the San Francisco Administrative Code were amended to specify the services to be provided by the HRC for the COSW.

In order to achieve fiscal and administrative efficiency, the two COSW professional staff positions: Coordinator and Associate Coordinator were deleted. The COSW budget for the 1980-81 fiscal year of \$30,604 provided for one 1426 Senior Clerk Typist position and funds for office supplies and support services. The staff position was upgraded effective July 1, 1981, to 2996 Representative in order to reflect the level of work performed. Beginning July 1, 1980, the COSW shared office space, including the conference room, and reproduction/mail room facilities at the HRC offices. Its staff was supervised by the HRC Director.

OFFICE OF CONTRACT COMPLIANCE



Clean Water Program



Southeast Plant Contract "P"
at early stage of construction.

In adopting Resolution 951-77, the Board of Supervisors confirmed the Human Rights Commission's affirmative action monitoring role in the Clean Water (then Wastewater) project and the G. R. Moscone (then Yerba Buena Center) project. This Resolution was based on the July, 1977 recommendation of the Affirmative Action Oversight Committee, through the Chief Administrative Officer. This recommendation came after the then Wastewater Project had sought to perform its own affir-

mative action monitoring and the Human Rights Commission challenged their right to do so. Resolution 951-77 also included the provision that the staff of the HRC be increased to provide the necessary monitoring services to ensure contractors' compliance with the Nondiscrimination Ordinance and affirmative action requirements for the Clean Water (then Wastewater) project. The funding, beginning in March of 1979, was on the basis of inter-departmental work order from the Clean Water Project. These funds provided three full time staff: Stanley Lim, Contract Compliance Officer II, Vicky Rathbone, Contract Compliance I, and Araceli Alberti, Clerk Steno.

The two HRC monitoring activities of the Clean Water Project were in the preconstruction and in the construction phase of projects. Before construction actually begins, Clean Water hired consultants for the planning and design phase. These consultants include structural engineers, mechanical/electrical engineers, soils engineers, sanitary engineers, architects, environmental scientists, urban planners, public participation experts, landscape architects, economists, archeologists, photographers and printing firms. HRC staff monitored 23 prime consultants and 60 subconsultants, working on 23 projects. Major projects included the \$9,000,000 Bayside and Cross Town Tunnel Planning Study, related environmental impact reports, and the design of the South West Treatment Plant. All Clean Water projects currently monitored amounted to 30 million dollars in contract fees. The breakdown for Clean Water design fees awarded were as follows:

Total design fees awarded:	\$17,203,382
Total MBE:	\$ 6,856,507 or 40%
Large MBE:	\$ 4,268,094 or 25%
Small MBE:	\$ 2,588,413 or 15%
WBE:	\$ 632,102 or 4%

The high percentage of total MBE awards was due to the use of a minority geotechnical firm as joint venture partner on the Bayside study, doing nearly 3 million dollars worth of work. The unusually high percentage for WBEs on heavy sanitary engineering projects was accounted for by the use of a woman-owned printing firm to print the voluminous Bayside Study and by the large number of environmental impact studies during the last year where WBEs were readily available. The percentage represents a significant increase over the previous year and is only 1% short of the minimum goal, a goal of 5% to 10% of the consulting fee for the total project having been established.

A small business is defined by the HRC as follows: An architectural, planning or environmental firm shall qualify as a small business if its fees for the preceding 3 years, excluding subconsultant fees, averaged less than \$375,000 and if the average number of permanent, full time employees during the preceding 3 years were 10 or less. An engineering firm shall qualify as a small business if its fees for the preceding 3 years, excluding subconsultant fees, were less than \$750,000 and if the average number of permanent, full time employees during the preceding 3 years were 20 or less. A goal of 25% of the consulting fee for each City and County project will be subconsulted to minority businesses. A goal of at least half of the total consulting fees awarded to minority-owned businesses for each City and County project, will be awarded to small businesses.

There is evidence that City projects continued to be broken down into small components to facilitate involvement of minority and woman-owned firms in all aspects of the work. Following is an analysis of prime and subcontract awards to the different kinds of firms involved in design work:

	TOTAL	MBE	WBE
Civil/Sanitary	\$6,097,847	\$766,637 or 13%	\$12,140 or N/S
Structural	\$1,785,211	\$1,751,161 or 98%	0
Mechanical/Electrical	\$1,128,007	\$ 724,644 or 64%	0
Architecture	\$2,416,586	\$ 587,717 or 24%	\$161,015 or 7%
Landscape Architecture	\$ 341,949	\$ 24,000 or 7%	\$900,000 or 29%
Geotechnical	\$6,223,980	\$4,096,000 or 66%	0
Environmental	\$ 385,761	\$ 186,019 or 48%	\$114,197 or 30%

The percentage in structural and mechanical/electrical engineering was so high because this work was systematically subconsulted to minority firms on architectural contracts. There are no known WBEs known to HRC specializing in structural or geotechnical engineering, and only one WBE mechanical electrical firm. The ethnic distribution of total contract awards was as follows:

American Indian firms	0
Asian firms	25 or 55%
Black firms	16 or 33%
Filipino firms	2 or 4%
Hispanic firms	4 or 8%

This corresponded broadly with the relative distribution of these firms in the Bay Area (although work has been divided much more evenly among the ethnic groups.)

American Indian in the Bay Area	0
Asian firms in the Bay Area	75 or 44%
Black firms in the Bay Area	22 or 13%
Hispanic firms in the Bay Area	19 or 11%

The above estimates of availability were based on a Directory of Minority and Woman-Owned design firms compiled by the HRC and printed with the assistance of a consultant to the City who donated time and materials. It contains information on nearly 200 firms and has been widely used and distributed. HRC introduced an affidavit certifying MBE/WBE ownership which must be submitted by all firms wishing to qualify as bona fide MBEs/WBEs on City projects. The system has worked very well in that it has led to the identification and disqualification of several non bona fide firms. The investigations leading to such disqualification were extremely time-consuming and accounted for an increasingly large percentage of staff work.

Compliance with the MBE/WBE goals are monitored throughout the contracts. Copies of billings are submitted regularly to the HRC to ensure that the MBE/WBE actually performs the promised portion of work. When contracts are amended, HRC makes certain that the MBE/WBE portions of the work are also increased to continue compliance with the goals.

For construction projects, HRC staff monitored ten contracts awarded through the Clean Water Program: Northshore Outfalls, N-1; Northshore Outfalls, N-2; Northshore Outfalls, N-3; Northshore Outfalls, N-4; Northshore Outfalls N-5; Channel Outfalls, C-3; North Point/Richmond Sunset WPCP Chloring Abatement; Southeast Water Pollution Control Plant, Contract "D"; SEWPCP, Contract "A"; Southeast Water Pollution Control Plant, Contract "P"; Islais Creek Sewer Activation, Westside Transport W-1, Westside Transport W-3, and the Southwest Ocean Outfall Pipe (SWOOP) contract. The last three were awarded within FY '80-'80. With the inclusion of the SWOOP contract, at \$151 million and surpassing Contract "P" as the largest single contract ever awarded by the City, the Clean Water Program has expanded to \$410 million in construction contracts over the past three years. Of that \$69,682,894 was awarded to MBEs, representing 17.0% of the total contracts awarded. The State-wide average for minority participation in construction contracts was 12.6%. The MBE goal imposed by the State Division of Water Quality for San Francisco was 16.1%.

By ethnic breakdown, the MBE amount was as follows:

	AMOUNT	PERCENTAGE
Am.Ind./A.N.	\$ 776,700	1.1%
Asian	\$ 9,986,276	14.4%
Black	\$39,715,096	57.0%
Filipino	\$ 52,000	0.1%
Hispanic	\$16,132,677	23.1%
Minority Truckers	\$ 3,020,145	4.3%
TOTAL:	\$69,682,894	

Based on a survey of statistics on all active Clean Water contracts, except Contract "P", as of the first quarter ending September 30, 1980, the employment of minorities and women in the trades was cautiously satisfactory. Minority participation was among the highest in the "heavy construction" trades, each with over 4,000 hours reported: pile driver, 54%; carpenter, 55%; cement mason, 90%, and laborer, 75%. The following crafts, with 600 hours or greater, had met or exceeded the established employment goal for minority groups: electrical worker, pile driver, carpenter, hod carrier-tending bricklayer, iron worker-structural, iron worker-rebar, lather, operating engineer, cement mason, construction teamster, laborer, and laborer foremen. At the same time, four crafts showed minority participation below the HRC acceptable level: glazier, hod carrier-tending plasterer, sprinkler fitter, and sheet metal worker. Only two crafts had met the goal of 15%-18% for female apprentices: carpenter, and cement mason. Female participation in other crafts could be described as "token" only. The lowest level of minority and female participation were those crafts with limited work hours such as iron worker-rebar, painter, and sheet metal worker which were below the required goals. For both minorities and women, the employment pattern in the trades has changed very little in recent years; it is easier for them to enter the "open" trades, but more difficult with the "closed" ("mechanical") trades.

By ethnic breakdown, the total workforce (male and female) was as follows: White: 52.5%; Hispanic: 23.2%; Black: 18.2%; American Indian or Alaskan Native: 2.8%; Asian or Pacific Islander: 3.2%, and Filipino: 0.3%. The decrease in Black participation resulted from the exclusion of statistics from Contract "P", where there always has been good representation of Black employees. Comparing minority and female employment with prior years, the fourth quarter fiscal year survey showed a combined total of 50.3%, which was almost at the same level as for 1979 at 50.6%, but considerably higher than previous years. In all crafts and at all skill levels, women comprised of 3.1% of the total force, three times the rate of 1979 and the years before.

Although the HRC affirmative Action Program required female participation as apprentices only until it was amended on May 28, 1981 to cover all levels, the effect has been an encouragement to contractors to employ female workers in any skill level possible, sometimes as a "trade-off" for the apprenticeship requirement. However, in certain federally-assisted projects, a goal of 6.9% in all trades for females was required. Playing a key role in the recruitment of female workers has been Women in Apprenticeship, Inc. of San Francisco. Minority women's share was 40% of the total female apprenticeship hours. Minority apprentices participation reached a plateau at 50%-60% level about three years ago. Although there is still a visible under-utilization of minority apprentices in some crafts, it is not expected that increases will occur until more of the massive Clean Water projects got underway.

For a sampling of minority and female employment in other selected periods, the following figures were extracted from the Clean Water computer printouts for the first five quarters covered in this report:

<u>1980</u>	<u>1980</u>	<u>1980</u>	<u>1980</u>	<u>1981</u>
<u>1st. Qtr.</u>	<u>2nd Qtr.</u>	<u>3rd Qtr.</u>	<u>4th Qtr.</u>	<u>1st. Qtr.</u>
Minority: 50.0%	55.0%	58.0%	54.0%	54.0%
Female: 3.3%	2.7%	1.9%	2.5%	2.5%

Statistics were not available for the final quarter of FY 80-81.

Prior to the award of the SWOOP project, the Southeast Plant Contract "P" was the largest contract ever awarded. As reported in January of 1979, Contract "P" showed an unprecedented amount of contracts awarded to MBEs: \$21 million or 19.0% of the contract total of \$114 million; however, there subsequently were some MBE substitutions. Contract "P" was awarded to the Joint Venture of Gust K. Newberg and Hubert Hunt and Nichols on August 9, 1978. Under Newberg, there was in excess of 120 subcontractors, among them 30 minority subcontractors or suppliers. When construction reached its peak in early 1981, there were approximately 400 to 500 workers employed at the site.

Funding for Contract "P", as with other Wastewater contracts, came from three sources: local, state and federal. Consequently, the equal opportunity policies of each applied to the project. The federally-imposed goals were required by the U.S. Environmental Protection Agency (EPA) for projects under its sponsorship in San Francisco. The State's Division of Water Quality did not establish any affirmative action requirements until the issuance of its MBE (Minority Business Enterprise) policy on December 26, 1978. Meanwhile, the Human Rights Commission's MBE program covered this part of the requirements. The "working" affirmative action program was the Bayview-Hunters Point Memorandum of Agreement, which the HRC has employed for Bayview-Hunters Point projects in fulfillment of the affirmative action requirements under Chapter 12B of the Administration Code.

The Memorandum of Agreement, whose contracting parties include the Bayview-Hunters Point Model Neighborhood Agency, the Associated General Contractors and the Building Trades Council, set forth a residency employment goal of no less than 50% by craft, regardless of the worker's ethnicity or sex. In most cases, when a contractor meets the resident employment requirement, it would be in compliance with the federal goals since the majority of the residents were minority persons.

A staff report in March of 1980 showed that the overall resident employment was only 30%; with an average of 29% for craft workers and 49% non-craft workers, primarily laborers. Only a few trades were in compliance with the 50% resident employment goal. Problems identified with the employment of residents at the Southeast Plant were failure to indenture new apprentices, failure to "evaluate" experienced resident workers, poor retention, and competition for resident workers. The breakdown occurred not only with the individual contractor but also with the other contracting parties' labor unions and community representatives.

The existing Memorandum of Agreement expired in November of 1977. The latest Affirmative Action Report on Contract "P" was issued March 6, 1980 for the period of October 1, 1979 through December 31, 1981. Among the four recommendations in that report adopted by the Commission were the following:

"The Commission encourage the parties involved in the old Agreement or their successor to reach agreement on a new Memorandum of Understanding embodying the same principles as those contained in the old that has expired."

and

"The Commission establish a task force to work with the community contractors and the unions that are under-represented in residents, minorities and women through indentureship and/or training."

As a r e s u l t of the recommendation, the Employment Committee's Task Force on Apprenticeship was formed, holding its first meeting on May 13, 1980. The conclusion of that Task Force was that 50 percent residency goal for apprentices in the mechanical trades could be met. Further, the Task Force recommended that this problem be referred to the Evaluation Committee to develop and recommend a program for implementation as provided for in the Memorandum of Agreement.

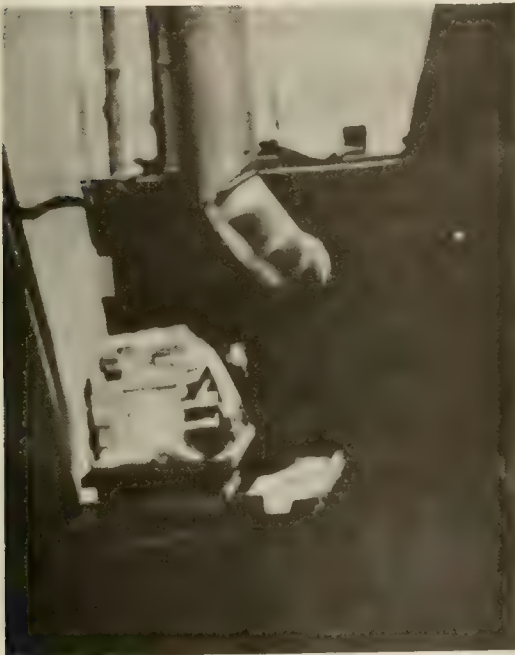
Because of the magnitude of the Clean Water contracts, a significant number of complaints were received during the 18 months of this report, both in MBE and employment complaints. For example, Contract "P" alone generated a large share of complaint cases. In addition to many warning letters, a step taken by staff prior to the filing of a formal complaint, five complaints have been filed: two for noncompliance and three for discrimination. During the first half of 1981, the most time-consuming case had been the preaward investigation of a bid protest by the Alliance of Minority Contractors and Suppliers against Southwest Outfall Project (K. Williams vs. Arvie & Son). Shortly after bid opening, Alliance filed a complaint with the U.S. Environmental Protection Agency against the Southwest Outfall Sewage Project Bid. The Alliance charged that the apparent low bidder on this project, the joint venture of Morrison-Knudsen, failed to comply with applicable requirements for the utilization of MBE firms on the project.

The apparent low bidder as of the March 18, 1981 bid opening was Morrison-Knudsen, with a bid of \$151,533,340. The specifications for the project required bidders to commit to a goal for MBE participation of 16.1% of the total contract amount. The total MBE participation committed to by Morrison-Knudsen was \$26,418,100 or 17.5% of the total contract amount.

Following Morrison-Knudsen's submittal of its MBE certification, the Alliance sent a letter, dated April 7, 1981, to Stanley Lim of the HRC. The Director of the HRC, after a public hearing and extensive evaluation of all relevant factors, issued a written determination dismissing the bid protest. Subsequently, the Alliance filed a request for the EPA Regional Administrator's review.

The Regional Administration of the U. S. Environmental Protection Agency affirmed the decision of HRC staff in dismissing the protest of the Alliance of Minority Contractors and Suppliers against the Southwest Outfall Sewage Project Bid. If the HRC determination had been set aside, the Clean Water Project would have been required to either send out the project for re-bid or accept the apparent second low bidder, under the threat from the Reagan Administration that a fiscal policy would be invoked to recover from the Clean Water Program all unallocated funds. Either result would have been extremely costly.

The HRC goal for the Clean Water Program for the 1981-82 fiscal year is to conduct affirmative action compliance reviews as part of the pre-bid process and to monitor compliance by the 17 to-be-awarded contracts. The HRC goals for MBE/WBE participation and minority and women employment in architectural and engineering consultant contracts and construction contract apply.



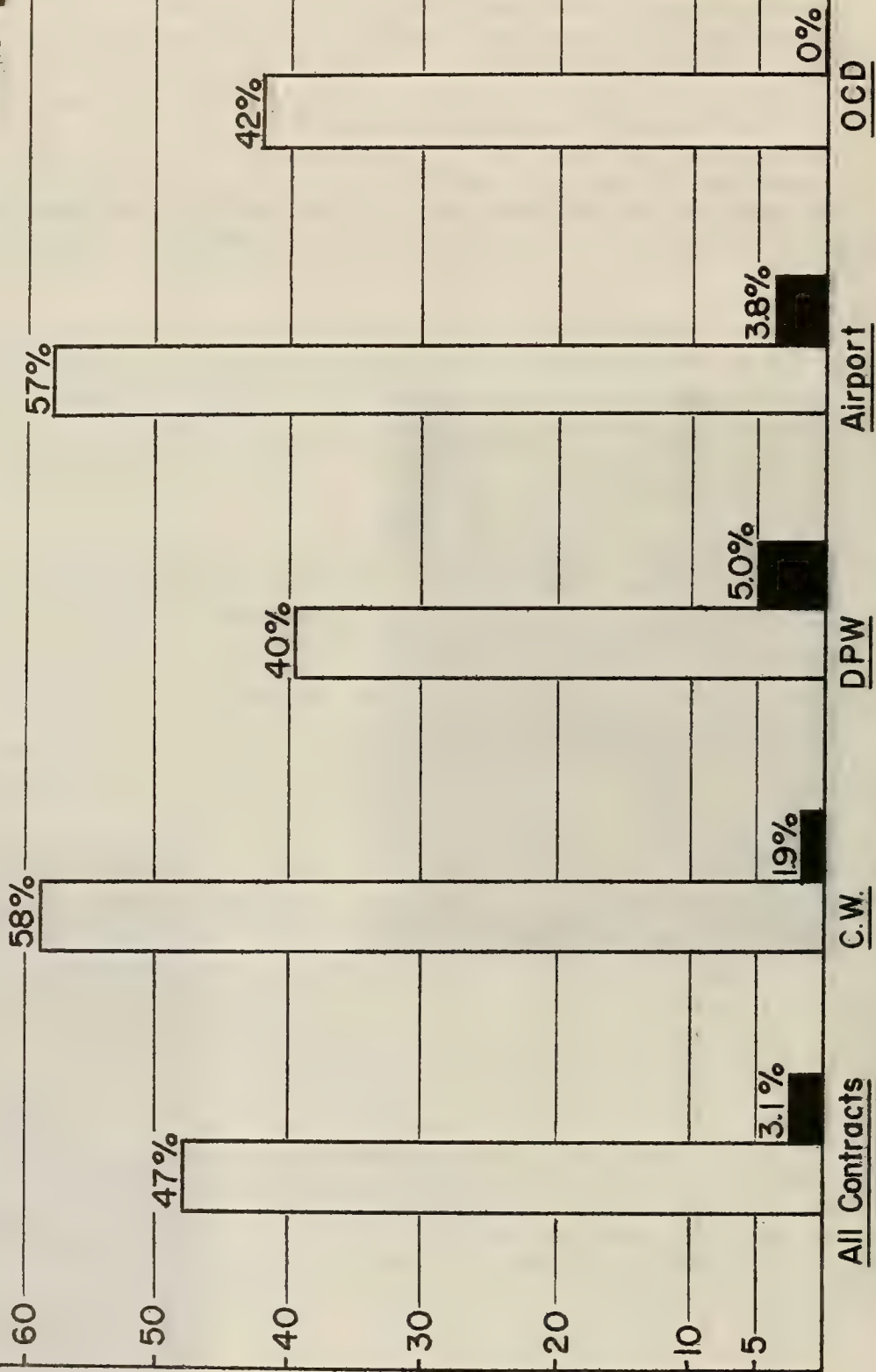
North Shore Outfalls
Contract N-1.

West Side Transport
Contract W - 3.



Minority & Female Participation by Dept. Breakdown, 9/30/80

Minority
Female



Commission on Aging

Former Supervisor Robert Gonzales authored the "Parking Tax Ordinance" which created the special Senior Citizen's fund under the parking tax. Prior to July 1, 1977, all monies collected through the imposition of the parking tax, after deductions for administrative costs and refunds for over-payments, were deposited in the General Fund. In 1977, the Board of Supervisors amended Section 615 of the San Francisco Municipal Code to provide that the General Fund would receive \$3,500,000 and the balance of the monies collected would be expended for senior citizen programs.

In 1978, the Commission on Aging was designated as the operating agency to administer and disburse the funds. In the 1979-80 fiscal year, the Commission allocated over \$2.4 million to 46 agencies. The allotment per agency ranged from about \$3,000 to nearly \$250,000, with the average being about \$30,000. For the next year, the number of agencies remained the same, while the amount of parking tax funds was \$2,375,904. For the 1981-82 fiscal year the San Francisco Commission on Aging received a total of \$2,206,410 in parking tax funds for distribution to 37 agencies serving senior citizens of San Francisco. The range in allocations per agencies ranged from about \$8,200 to \$600,000 with the average being about \$30,000.

The Commission on Aging also received funding from the State Department on Aging pursuant to Title III of the Older Americans Act. The amount of funding was \$965,500 in fiscal year 1979-80, \$1,964,288 in 1980-81, and \$2,206,410 for 1981-82. Of the 37 agencies receiving Parking Tax funds, 21 were recipients of OAA funds.

For the period of the first six months of 1980 and the 1980-81 fiscal year, the HRC staff, Mary Gin Starkweather, monitored the recipients of Parking Tax funds only. Data on the employment composition of the recipient agencies was collected in March of 1980 and in March of 1981. Because the HRC was involved in the certification of agency eligibility to receive funding for the 1981-82 fiscal year, staff did not collect data from those agencies operated during 1980-81 which were not to be funded for 1981-82. There were three agencies to be funded for the first time in 1981-82.

The comparison of the minority composition from 1980 to 1981 was as follows:

ETHNIC GROUP	M A L E		F E M A L E		T O T A L	
	1980	1981	1980	1981	1980	1981
American Ind./Alask.Nat.	.06%	.8%	.05%	.06%	1.1%	1.4%
Asian or Pac. Islander	6%	7%	10%	8%	16%	15%
Black	8%	11%	21%	13%	29%	24%
Filipino	1%	2%	1%	2%	2%	4%
Hispanic	4%	4%	12%	7%	16%	11%
TOTAL MINORITIES	19%	23%	44%	31%	63%	54%

For 1980, the 46 contractors had a total of 1,812 employees, of which 35% were male and 65% were female. In March of 1981, the 37 contractors to be funded for 1981-82 had a total of 1,686 employees. Of these, 41% were male and 59% were female. The decrease in the percentage of total minorities from 63% in 1980 to 54% in 1981 was apparently due to the defunding of 10 agencies with significant numbers of minority employees and the addition of three agencies with small workforces.

The contracts of several agencies designated that they were to serve a specified mono-lingual community. The staff of these agencies to be conversant with the service population was almost exclusively mono-racial. These agencies especially were encouraged to hire disabled and ex-offender employees in order provide employment opportunities to these groups which traditionally have experienced extreme difficulty in obtaining employment. The comparison of disabled persons in the workforce of these agencies showed less than 2% in 1980 and exactly 2% in 1981. However, they increased from 3% to 4% of male employees and from 1% to 3% of female employee. Staff considered this to be significant progress in spite of the small overall increase, partially because the 1980 figures included employees at the California League for the Handicapped and the 1981 figures did not because that agency was not funded for the 1981-82 fiscal year.

The major thrust in monitoring these contractors has been in the area of employment rather than obtaining minority subcontractors. Agreements have been reached which include MBE provisions; however, it was not a standard provision in each agreement. Approximately two-thirds of the total funding was used for personal costs while the remainder went for food and supplies. Staff monitored all the agencies regardless of the amount of funding received. For the 1981-82 fiscal year, staff shall continue to negotiate Affirmative Action Agreements with the contractors emphasizing especially the need to recruit and hire more Filipino and Hispanic persons.

In addition to the affirmative action monitoring of contracts, HRC staff researched employment resources to aid contractors in reaching goals, researched minority businesses to use to aiding agencies which did not have much staff turn over, but spent a significant part of their funds on goods such as food or transportation. The most time-consuming of these additional tasks was in the investigation of complaints of discrimination lodged against Commission on Aging contractors.

The goal for the 1981-82 fiscal year is to expand affirmative action monitoring of/and seek to reduce discrimination complaint investigations for the Commission on Aging.

Mayor's Office of Community Development

Beginning on May 20th of the 1979 program year, the HRC had been designated by the Mayor's Office of Community Development, of the Housing and Urban Development's Community Development Program, to monitor all of the OCD-funded construction contracts awarded through the Department of Public Works with dollar amounts from \$10,000 to \$250,000. Those in excess of \$250,000 were monitored separately by HRC staff. The 18 month time period of the Annual Report overlapped three OCD Program years: February 1, 1979 through January 31, 1980; February 1, 1980 through January 31, 1981; and February 1, 1981 through December 31, 1981.

HRC Affirmative Action Officer Linell Harden applied the HRC Affirmative Action requirements for both minority and women employment and MBE and WBE participation in contracts from \$50,000 to \$250,000. For contracts from \$10,000 to \$50,000 HRC applied the affirmative action requirements imposed by the Department of Labor's Office of Federal Contract Compliance: Goals and timetables for women and minorities in the City and County of San Francisco. The HRC requirements were more stringent than the Federal requirements in that the employment goals were higher and the Federal program did not have an MBE/WBE component.

The HRC reported statistical information for a 12 month period initially: October 1, 1979 through September 30, 1980 and then subsequently by calendar quarters. For the 12 month period, the HRC monitored 18 OCD-funded contracts, amounting to \$4,689,184. Of that amount, \$1,211,460 or 26% went to San Francisco MBE subcontractors. There was a total of 26,584 hours worked during these 12 months. Minority workers accounted for 14,581 hours or 55% and 12,051 hours or 45% went to San Franciscans. In comparing data from the three quarters, significant changes were apparent. With an average duration of four months, the completion of an existing project or the addition of a new project can significantly affect the dollar and percentage reported in a given quarter. For the fourth quarter of FY 80-81, there were 10 new contracts and one which was completed during the previous quarter. One of these contracts, the Ella Hill Hutch Community Center had 43.49% of the \$2,338,000 contract amount awarded to MBEs; however, one of these subcontractors had to be replaced due to lack of bonding. The largest proportion of MBE to contract amount was 56.62% of \$71,877 to a Hispanic firm. Because of the 59% increase in the number of contracts and the 2.74 fold increase in dollar amount from the third to the fourth quarter, the MBE/WBE percentage was only two percent while the MBE/WBE dollar amount was more than double. The Black MBE percentage dropped by nearly 17 percent at the same time that the dollar amount had increased by half again as much.

When either a complaint had been filed or HRC staff has grounds to suspect that a company has fraudulently claimed to be an MBE or WBE, the HRC employed a CPA firm to conduct an audit of the records of the questionable MBE/WBE to determine ownership and the extent of the actual MBE/WBE control of the company. One such audit was conducted during the 18 months by L. Andrew Jeanpierre, a minority CPA firm.

The HRC has been included in the 1982 Community Development Program and Housing Assistance Plan. Beginning with the 1982 program, staff will monitor rehabilitation projects from \$10,000 and above through the City Deferred Payment Loans (CDPL) program. The CDPL program has been budgeted for two million of the total twenty-five million dollars anticipated by OCD. It has been estimated that monitoring for the CDPL program will involve 80 to 100 contracts alone.



The Ella Hill Hutch Community Center.

Goals for Contract Period:		Actual
<u>2/1/81-12/31/81</u>		<u>2/1/81 - 6/31/81</u>
1. Monitoring OCD-funded construction contracts with dollar amounts of \$10,000 and above	1. 32 contracts	23 contracts
2. Conduct Pre-bid/pre-award and post/award conference	2. 32 contracts	23 contracts
3. Review of apparent low bidder's affirmative action submittals	3. 32 contracts	23 contracts
4. Review of monthly workforce reports	4. 85 contractors & subcontractors	46 contractors & subcontractors
5. Audit of questionable MBEs/WBES	5. 2 contractors	0
6. Provide affirmative action liaison with community out reach groups	6. 4 groups	5 groups

A COMPARISON OVER THREE QUARTERS OF THE MBE/WBE PARTICIPATION BY GROUP

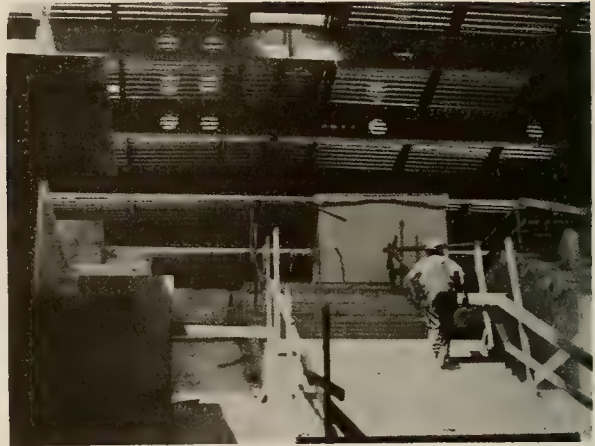
		Oct-Dec 1980	Jan-Mar 1981	Apr-June 1981
Amer. Ind./Alask.Nat.Dollar		\$17,199	\$13,950	\$13,950
%		1.02%	1.37%	.65%
Asian/Pac Isl.	Dollar	20,145	189,304	181,364
%		1.19%	18.67%	8.48%
Black	Dollar	799,212	540,351.50	782,878.50
%		47.50%	53.28%	36.61%
Filipino	Dollar	6,250	6,000	8,400
%		.37%	.59%	.39%
Hispanic	Dollar	839,630	206,438	1,093,362
%		49.90%	20.35%	51.14%
WBE	Dollar	NA	58,021	58,021
%		NA	5.72%	2.71%
MBE	Dollar	1,682,436	956,103.50	2,079,954.50
%		100%	94.28%	97.29%
Total MBE/WBE	Dollar	1,682,436	1,014,124.50	2,137,975.50
%		29.25%	34.43%	36.49%

A COMPARISON OVER THREE QUARTERS OF MINORITY EMPLOYMENT AND MBE/WBE PARTICIPATION

	<u>Oct-Dec 1980</u>	<u>Jan-Mar 1981</u>	<u>Apr-June 1981</u>
Contracts Monitored	15	13	22
Total Dollar	5,750,616	2,945,336	5,875,638
MBE/WBE Dollar	1,682,436	1,014,124	2,137,975
MBE/WBE %	29.25%	34.43%	36.49%
SF Prime Dollar	1,442,674	565,378	856,599
SF %	25.08%	19.19%	14.62%
SF MBE/WBE	775,284	537,180	1,159,844
SF %	13.48%	18.23%	19.80%
Total Hours	9087	5054	8032
Minority Hours	4552	2532	4023
Minority %	50%	50.09%	50.08%
SF Hours	6351	3533	4751
SF %	70%	69.90%	59.15%

Moscone Convention Center

In July of 1977, the Affirmative Action Oversight Committee, through the Chief Administrative Officer, recommended to the Board of Supervisors that the staff of the HRC be increased to provide the necessary monitoring services to ensure contractors' compliance with the Nondiscrimination Ordinance and affirmative action requirements for the Moscone (then Yerba Buena) Convention Center. The funding, beginning with 1980-81 fiscal year, was on the basis of inter-departmental work order from the Moscone Center project. By adoption of Resolution 951-77, the Board of Supervisors confirmed the Human Rights Commission's affirmative action monitoring role in the Clean Water (then Wastewater) and the G. R. Moscone (then Yerba Buena) Center project.



Moscone Convention Center
Nearing Completion .

The Moscone Center program objective for the 1980-81 fiscal year was three fold:

1. Immediate--Monitoring of 13 Phase II construction contracts and 10 consultant contracts totaled \$95 million and approximately 13 more Phase II re-bid contracts (\$ 20-30 million).
2. Intermediate Range--A) Monitoring of the proposed Moscone Convention Center (MCC) Garage (approved by voters under Proposition N) and other possible developments on top of the Center B). Coordinate with the San Francisco Redevelopment Agency, as previously agreed, to apply the HRC affirmative action requirements for both minority and women employment and Minority Business Enterprise participation in privately financed projects in the surrounding area.
3. Long Range--A) Apply HRC minority business enterprise requirements for concessionaires and other service contracts at the Center after completion. B) Continuous monitoring of permanent jobs at the Center.

Of the MCC Phase I and Phase II construction contracts under the HRC review, a total of \$12.8 million (15.4%) of contracts were awarded to Minority Business Enterprises (MBEs). In consulting, \$2 million was awarded to minority or women-owned firms. Computed from workforce reports for the first quarter of the fiscal year, the ethnic composition of the workforce based on total hours, was as follows:

White, 51%; Hispanic, 23%; Black, 18%; Alaskan or American Indian, 2%; Filipino, Asian, or Pacific Islander, 4%; Women, 3%. Minority

participation is 49% or 992 out of 2204 persons. Included in the total employed were 47 women, of whom 25 were minorities.

On a craft by craft basis, the analysis of trades, with at least six persons employed during the three-month period, showed the following minority representation which equaled or exceeded the HRC goals for the trades: carpenters, 40%; iron workers, 41%; laborers, 54%; cement masons, 57%; and operating engineers, 59%. The trades showing minority utilization below acceptable levels were: electrical workers, 22%; roofers, 31%; sheet metal workers, 0%; and Teamsters, 20%.

Minority foreman comprised only 25% of the total foreman hours, 8165 hrs. out of 32,417 hours. However, 53.7% of the total journeyman hours, 73,845 out of 137,426, were minorities. The highest minority participation was in the apprentice classification. Out of a total of 27,166 apprentice hours, 15,286 hours or 56% were minority.

The goals for the 1981-82 fiscal year are to secure affirmative action in the employment of personnel by the George R. Moscone Convention Center; and to increase MBE/WBE participation in MCC architectural and engineering consultant contracts and in construction contracts.



Port of San Francisco

The Human Rights Commission affirmative action monitoring of the Port of San Francisco covered three areas: design consultants, construction contracts, and Port tenants/leasees. Even though the Port of San Francisco is a revenue producing department, HRC does not receive direct reimbursement for its monitoring. It is the intention of the HRC to implement a direct inter-departmental work order funding system with the Port Commission which has been charged for contract compliance/affirmative services through COW-CAP (the County-wide Cost Assessment Plan) for the 1982-83 fiscal year.

For the 1982-83 fiscal year, the HRC will resume affirmative action monitoring of those Fisherman's Wharf restaurants whose lawsuit claiming pre-emption of state and federal affirmative action rules over the HRC's was overturned by the State Court of Appeal, First Appellate District in a unanimous opinion filed June 18, 1981. This decision was written by Justice Jerome Smith and signed by Justices Wakefield Taylor and Allison Rouse. The State Supreme Court refused plaintiffs a hearing on this decision, in effect upholding the Court of Appeal's position.

In upholding the authority of the HRC to require Fisherman's Wharf restaurants holding leases to comply with affirmative action requirements of the City, the Court held:

1. That the state did not pre-empt local jurisdictions in enacting the Fair Employment Practices Act of 1963 and "did not intend to preclude municipalities from including nondiscrimination provisions in their leases."
2. That Chapter 12B (the Nondiscrimination Ordinance of the City Administrative Code that the HRC implements) as amended in 1974 to include lessees as contractors is applicable to all Wharf restaurants.
3. That the City's intent was to give lessees the opportunity to establish their compliance with the nondiscrimination requirements by submitting an affirmative action plan and was reasonable and not a quota.
4. That the City has the authority under Chapter 12B to require the restaurants to submit the data sought through the workforce questionnaire.

The case, titled Alioto's Fish Company, Ltd. et al., vs. the Human Rights Commission of San Francisco, et al., dated from 1976, when resistance began to build on the part of a number of Wharf restaurants which hold leases from the City's Port Commission to complying with the HRC requirements dealing with recruitment, training, and hiring practices and workforce breakdown reporting.

In 1977, fourteen restaurants joined in a class action, by obtaining a temporary restraining order, claiming pre-emption by state and federal nondiscrimination laws over the local ordinance (Chapter 12B). They were: Alioto's Fish Company Ltd., Borruso's Lighthouse Seafood Grotto, Castagnola's Restaurant, Fisherman's Grotto, the Franciscan Restaurant, Scoma's Restaurant, Tarantino's Restaurant, Victoria Station, Bundox Restaurant dba The Waterfront, Sinbad's Pier #2 Restaurant, Franceschi's Restaurant, Carnation Co., Inc., Pompei's Grotto, and Sabella's e La Torre Restaurant.

In 1978, Judge Charles L. Peery, of Superior Court, issued a preemptory writ ordering the HRC to refrain from enforcing Chapter 12B conditions as part of the restaurants' leases. That writ had been under Appeal by the HRC through its counsel, Deputy City Attorney Judith Teichman, since that time.

The HRC will be resubmitting workforce breakdown questionnaires to the Fisherman's Wharf restaurant leasees who were party to the suit. The one Port restaurant lessee which chose not to contest the HRC's jurisdiction, but agreed to cooperate was the World Trade Club. The sixth annual Affirmative Action Agreement was signed April 17, 1981. The ethnic make-up of the workforce has not changed significantly during the more than five years that the HRC has been monitoring. However, minority males increased from 71.5% of the kitchen jobs as of May 31, 1980 to 81.4% in May of 1981. There were no minority females working in the kitchen. The four White females in the "kitchen job" category in 1981 were one food checker and the rest, office staff. Included in the "kitchen job" category were chefs and cooks which were among the better paying-jobs in the industry. For this same time period, the minorities in visible jobs decreased from 52.2% in 1980 to 47.1% in 1981. The number of minorities employed actually remained the same. However, the total employed in visible positions rose from 46 to 51 and the increase was all White males. The restaurant management activity sought out a minority male to enter into their three-year apprentice cook program. This Black male graduated May 7, 1981. The World Trade Club has demonstrated good faith efforts to recruit minorities and women.

The Port development originally known as Pier 39 and then as North Point Center, Inc. had not been a party to the litigation involving the Fisherman's Wharf Restaurants, but had been subject to a Director's Finding of Non-Compliance because of a Staff Complaint, filed in May of 1978 by Stanley Lim, alleging the willful violations, on the part of the developer and its prime contractor, of the Affirmative Action requirements of 12.B during the construction phase of the project.

After an extensive procedural Commission hearing in 1979 the Director's Finding of Noncompliance which had been issued on November 9, 1978 was settled by signing of a three year in duration (July 1, 1980 to June 30, 1983) Affirmative Action Agreement. The essence of the agreement is as follows:

1. Starting with a workforce of approximately 45% minority, Pier 39 committed itself to a hiring goal overall of 50% overall workforce. This would include all operations, subsidiaries, and joint ventures in which Pier 39 had partial or total control, based upon property described in the Pier 39 Lease,

2. A hiring goal in the managerial and supervisory levels of 33% was to be achieved by June, 1981,
3. Pier 39 agreed to use community based minority employment referral services,
4. For future construction projects on Port lands, the Company would use all good faith efforts to award 50% of the subcontracts to minority business enterprises (MBEs).
5. Sublessees of Pier 39 would be notified of their obligations to meet the requirements of Chapter 12B as stipulated in the Master Lease,
6. Pier 39 agreed to continue its outstanding record of soliciting minority and women sublessees for its concessions and franchises,
7. Pier 39 agreed to assign a high ranking officer to serve as its Affirmative Action Officer to coordinate the terms of the Agreement,
8. The Company agreed to initiate a good faith effort to implement a MBE and WBE program for its vendors and suppliers,
9. A Sum of \$10,000 was committed to establish a program to aid "in some meaningful way" minority youth in training and work programs at Pier 39,
10. The Company agreed to report quarterly, with the understanding that the Commission would retain jurisdiction in order to effectuate the purposes and condition of the agreement.

The ethnic composition of the workforce at the close of the second four month reporting period was:

NORTH POINT, INC. WORKFORCE AS OF FEBRUARY 28, 1981

<u>UNIT</u>	<u>TOTAL EMPLOYEES</u>	<u>MINORITY</u>	
		<u>NUMBER</u>	<u>PERCENTAGE</u>
Restaurants	126	87	69%
Games	78	60	76.9%
Security & Maint.	43	20	46.5%
Blue & Gold Fleet	28	5	17.8%
Exec. & Acct.	13	1	7.7%
Marina	9	3	33%
Galley	7	6	85.7%
Marketing	6	0	
Landscaping	5	1	20%
Construction	3	0	
<hr/> Total	<hr/> 318	<hr/> 183	<hr/> 57.5%

<u>ETHNIC GROUP</u>	<u>NUMBER</u>	<u>PERCENTAGE</u>
American Indian/Alask.Native	1	0.3%
Asian	25	7.9%
Black	43	13.5%
Filipino	18	5.6%
Hispanic	91	28.6%
Other Non White	5	1.6%

The most recent data on the supervisory staff was as of March 3, 1981.

SUPERVISORY STAFF AS OF MARCH 31, 1981

	<u>Asian</u>	<u>Black</u>	<u>Filipino</u>	<u>Hispanic</u>	<u>ONW</u>	<u>White</u>	<u>Total Minority</u>	<u>Total</u>
Male	1	6	1	3	1	22	12	34
Female	1	0	1	1	0	7	3	10
Total	2	6	2	4	1	29	15	44

The total for minorities was 34.1% and for female 22.7%.

After four years of sometimes frustrating effort, HRC design program staff has succeeded in developing a positive cooperative working arrangement with nearly all awarding agencies. The Port Commission has been slower in forming this necessary joint effort. This may be partly due to the Port's uncertainty of its jurisdictional role within the City and County system. However, HRC and the Port did work successfully on two design projects during the 1980-81 fiscal year. The two Port projects being monitored amounted to \$205,000 in contract fees. Two prime consultants and six subconsultants were involved in landscaping Pier 3 into a public access/restaurant/office complex and in designing the Pier 35 passenger terminal.

Total design fees awarded:	\$205,000
Total MBE:	\$107,900 or 53%
Small MBE:	\$ 81,800 or 40%
WBE:	\$ 9,000 or 4%

The high MBE percentages was due to the award of a project to redesign the passenger terminal at Pier 35 to a small minority firm.

HRC staff has also developed affirmative action programs for a consultant to assist the Port on environmental questions and for the Ferry Building remodelling. However, work is not sufficiently advanced on either project to give any results as of yet.

The construction contracts monitored were the \$897,000 Pier 96 project and the \$3,025,000 Embarcadero Promenade. It is anticipated that at least four additional construction contracts will be let during the 1981-82 fiscal year. Two of these will be partially funded through the Economic Development Administration; hence, federal MBE requirements will apply.

The HRC goals for the Port of San Francisco for the 1981-82 fiscal year are to resume monitoring the Fisherman's Wharf restaurants and to monitor Port Commission tenants, leases, and contracts. The contracts for goods and services are handled through the City Purchaser. Included among the contracts, which total approximately 600, are those for construction and for design. Numerically, a significant portion of the contracts are for short term arrangements, sometimes only of a day or two in duration. The HRC goals for MBE/WBE participation and minority women employment in architectural and engineering consultant contracts and construction contracts apply.

San Francisco International Airport

As a result of several discussions between members of the Airports Commission and the HRC and its Director, the Airports Commission started, with the beginning of the 1979-1980 fiscal year, to provide inter-departmental funding to the HRC for the purpose of hiring two professional staff and one clerical support person to develop, monitor, and implement an affirmative action program for all phases of the Airport's operations. The agreement called for having one HRC staff person to be permanently stationed at the SFIA to meet all immediate affirmative action needs and serve as a liaison between the Airport and the HRC. This staff person's (Lydia San Filippo) primary roles included developing, to the extent legally permissible, the Minority Business Enterprise and Women Business Enterprise participation for Airport Bidders, Concessionaires, and Service Contractors. A second staffer's (along with clerical support), role has been to survey existing Airport tenants and develop, implement, and monitor an Affirmative Action program that meet FAA and local requirements in the field. Since July 1980, Julie Ann Yim has served in this role. The regular HRC staff has continued to provide the necessary monitoring in Construction, Consultantcy, and Service Contracts as required. The Airports Commission, since March 1979 has adopted a series of resolutions on the subject of Equal Opportunity and Affirmative Action designed to address complaints from segments of the ethnic minority community. Each of these resolutions expresses a clear intent and commitment on the part of the Airports Commission to Affirmative Action to whatever extent legally possible. The Resolution 79-0093 adopted by the Airports Commission March 20, 1979 reads as follows:

WHEREAS, The San Francisco Airports Commission desires to establish a definite policy governing Equal Employment Opportunities and Affirmative Action covering all aspects of the Airport's operations; and

WHEREAS, The Commission wishes to support and assist the San Francisco Human Rights Commission in carrying out its responsibilities in these areas; now, therefore, be it hereby

RESOLVED, That the San Francisco Airports Commission hereby adopts the following Policy:

1. The San Francisco Airports Commission hereby reaffirms its support of the Equal Employment Opportunity and Affirmative Action Policies and procedures of the City and County of San Francisco as defined and administered by the San Francisco Human Rights Commission.
2. The San Francisco Airports Commission hereby commits itself to provide sufficient monetary resources to the San Francisco Human Rights Commission so that an appropriate professional staff person, plus necessary back-up and administrative support, can be assigned full time to the Airport to assist the Director in the development and implementation of a highly effective Equal Employment Opportunity and Affirmative Action Program.

3. The Airport Director and his staff, in coordination with the San Francisco Human Rights Commission and its staff, is hereby directed to develop the details of the Program and to execute the Program in such a manner that all requirements of the San Francisco Human Rights Commission are met in all aspects of the Airport's operations and responsibilities, including the responsibility for assuring compliance by all tenants and other business entities carrying out commercial activities at the Airport under Airport leases or permits.
4. The Program shall include an on-going monitoring and reporting program through which this Commission and the public shall be kept currently informed of the progress being made in all aspects of Airport operations.

At least three other resolutions were passed in 1980 further refining the Airport Commission's resolve to correct lack of minority and women-owned businesses within the SFIA terminals and as service contractors. However, most proposed solutions have failed to receive approving City Attorney's Opinions on the issue of potential constitutional validity. Some of these opinions have been confusing and inconsistent, offering few directions as to how the lack of MBE participation can be corrected at the SFIA. Although the City Attorney has issued opinions unfavorable to a set-aside program designed to aid racial, ethnic minorities, it has, however, decided that such a program is valid if based upon the size of the business. Consequently, the Airports Commission has adopted a "small business" policy resolution with the hope that such a policy would benefit ethnic minorities in business; however, to date the results have not been forthcoming.

Since 1980, the HRC has begun the process of surveying all existing SFIA tenants and, wherever necessary negotiating Affirmative Action Agreements designed to correct under-utilizations of minorities and women for various categories of SFIA tenants. The Commission staff has issued, to date, one preliminary report on the employment status of SFIA tenants and expects a finalized report by the end of the 1981 calendar year. By the close of 1980-81 FY, the staff had negotiated ten Affirmative Action Agreements with existing tenants with five additional in process.

The goals for the Airport tenants' employment component for the 1981-82 fiscal year are as follows:

1. To identify recruitment and selection processes to determine factors causing the racial and sexual imbalance of the Airport private sector workforce.
2. To develop affirmative action agreements with Airport tenants who fall within the monitoring level, as desired by the HRC.
3. To develop and systematize a uniform monitoring program for Airport tenants.

4. To develop a recruitment and selection process that will encourage and increase the hiring of San Francisco residents for jobs at the SFIA.
5. To compile the 1980 census information into reasonable goals to gauge the success of affirmative action activities.

Expansion of the number of Airport concessions leased to minority-owned or women-owned businesses has been a prime emphasis of the HRC affirmative action staff. Because an approved method is yet to be found to ensure MBE and WBE participation in the SFIA bids involving concessions and other businesses at the Airport, the HRC has utilized extensive outreach techniques to reach every potential MBE and WBE to inform and encourage their participation in the bid or proposal processes conducted at the SFIA. One of the techniques has been the use of seminars.

In June of 1980, the HRC and Airports Commission jointly sponsored a seminar for minority and women entrepreneurs. The seminar, a culmination of several months of planning, designing and developing of materials by HRC staff, included coordination with and assistance from Airport Staff and involved the cooperation and participation of tenant personnel as a key element in the overall endeavor.

The purpose of the seminar was to inform minority and women entrepreneurs of business opportunities with Airport tenants. Presentations were made by representatives from five companies, each explaining procurement process, the types of goods or services sought and the best way to contact the company. Pan American, United Airlines, Host International, restaurant /bars; Dobbs, Houses Inc., gift shop concessionaire; and Hilton Hotel personnel were the presentors. The seminar space had been set up to facilitate informal contact between the presentors and entrepreneurs after the formal program, which did, in fact, occur. There were approximately 60 attendees, including community business development personnel and 25 to 30 entrepreneurs.

The HRC staff's affirmative action efforts have benefited from the San Francisco Business Development Center personnel. Their staff provided assistance in proposed bid specifications and their impact on the minority business community during pre-bid conferences held by Airport property management staff; exploring business opportunities and logistics for MBEs flight insurance; working in conjunction with the HRC staff in promoting MBE/WBE business participation on Airport contracts; and with newly-identified MBE/WBEs.

On February 14, 1980, the Federal Aviation Administration (FAA) issued affirmative action regulations applicable to airports and political entities receiving funds under the Airport Aid Program. The effective date of these regulations was March 17, 1980. The Minority Business Enterprise Regulations is defined by the parent agency, the Department of Transportation, (DOT) of which FAA is an element, were issued March 31, 1980 with an effective date of May 1, 1980. These two sets of regulations cover affirmative action in employment and MBE/WBE participation.

The HRC, guided by the lower monetary limits specified by the FAA-DOT for construction contracts, submitted an affirmative action program designed for the SFIA. Although the FAA found the construction contract aspects of the program acceptable, it rejected the program because it lacked goals for lessees, citing the regulation in regard to such goals. The regulation clearly states that Airports receiving funds from the Airport Aid Program and having concession leasing opportunities must develop leasing goals for minority-and women-owned businesses and must submit them to the FAA for review and approval. The Airport responded to the FAA, restated its adherence to the HRC goal of 25% for minority-and women-owned businesses. Final FAA approval was still pending. The HRC's intent is to monitor the application of the FAA-DOT regulations simultaneously with those of the HRC's.

The SFIA Semi-Annual Report for Fiscal Year 1980-81, released January 26, 1981, presented Quarterly Performance Summary, for Affirmative Action for the period ending December 31, 1980, reporting Objectives and Analysis.

OBJECTIVE

1. To expand the Airport's Affirmative Action program as it relates to tenants through:
 - Development by December 31, 1980 of a Minority Business Enterprise seminar to increase the role of minority enterprises as vendors to Airport tenants.
 - Maintenance of regular and current tenant reporting of compliance with minority hiring and promotion plans.
2. To continue the Affirmative Action Program initiated during FY 79-80 for Airports Commission employees and to ensure at least 30% minority/women representation to total employees.
3. To meet or exceed the Human Rights Commission goals for employment of minority persons in 10 of the 17 crafts and classifications working on Airport contracts and subcontracts during FY 8-81.
4. To meet or exceed the Human Rights Commission goals for employment of women apprentices in 5 of the 17 crafts working on Airport contracts and subcontracts during FY 81-82.

ANALYSIS

1. Preliminary activities underway, i.e., identification of San Francisco-based MBE's and WBE's and their primary and secondary business activities; and establishing information files on identified businesses.
 - A seminar similar to that conducted in FY 79-80 was scheduled for the fourth quarter of FY 80-81 and held in July of 1981.
 - Survey conducted June 1980. Analysis still underway.
2. As of December 31, 1980, 45% of the Airports Commission employees were either from minority groups or women.

3. Eight of the 17 crafts met or exceeded the HRC overall minority goal. Eight of the 17 crafts met or exceeded the HRC minority apprenticeship goal.

4. One of the trades met or exceeded the HRC women apprenticeship goal.

THE AFFIRMATIVE ACTION PROJECTIONS FOR THE 1981-82 FISCAL YEAR WERE:

OBJECTIVES

- I. To increase the participation of minority owned and women owned businesses as prime contractors; as vendors or suppliers; or as sub-contractors to prime contractors through:
 - a. Maintenance of regular and current tenant/contractor reporting of MBE/WBE utilization.
 - b. Sponsoring semi-annual Minority Business Seminars in September 1981 and April, 1982.
 - c. Compilation and distribution of a San Francisco area MBE/WBE directory.
- II. To administer an effective Minority/Women Business Enterprise program which will result in at least 1 minority-owned and 1 women-owned concession by June 30, 1982.
- III. To meet or exceed trade-specific HRC employment goals for 12 of the 17 trades working on Airport construction contracts and sub-contracts.

To meet or exceed HRC goals for minority apprentices in 10 of the 17 trades.

To meet or exceed HRC goals for women apprentices in 5 of the 17 trades.
- IV. To increase employment opportunities for minority and women by maintenance of regular and current tenant/contractor reporting of compliance with minority hiring and promotion plans.

Staff monitored two contracts with certified public accountant firms. Both of these CPA firms are MBEs. In design consulting, five consultants and 14 subconsultants were working on five projects. The most important project was the modernization and remodeling of the Central Terminal, for a total of \$3 million in consultant fees, the third largest design project awarded in the City during this period. (The two largest were Clean Water Program projects.) There were a number of smaller projects, primarily connected with temporary relocation of offices, airlines and boarding areas during the Central Terminal remodeling process. The Airport projects monitored amounted to \$3,500,000 in contract fees.

Total design fees awarded:	\$3,543,030	
Total MBE:	\$1,626,200	or 46%
Large MBE:	\$ 799,675	or 23%
Small MBE:	\$ 826,525	or 23%
WBE:	\$ 170,000	or 5%

The Airport had six on-going construction projects, worth in excess of \$80 million. These included: Airport Garage Stage IV, Garage Stage V, Airport Industrial Waste Treatment Plant, North Terminal Boarding Area "E", South Terminal Parking Pad, and Central Terminal Modernization Site Work. In 15 skilled trades, out of a total of 22, with 800 hours or more worked, minority and women participation, in aggregate, was 60.8 percent. Despite this high percentage, only seven trades were in compliance with the HRC's minority employment goal; seven with the minority apprenticeship goal, and only two with the female apprenticeship goal.

In the non-skilled trades: construction teamsters, laborer, and laborer foremen, all had exceeded the minority employment goals.

Starting early this year, four new contracts were awarded totaling about \$30 million. While no finalized statistics of minority or female employment for these contracts are available, our records showed a relatively high ratio of minority business participation for these contracts:

<u>Name of Contract</u>	<u>Contract Amt.</u>	<u>MBE Amt.</u>	<u>MBE %</u>
996R, Ext. of Power & Tel. Service	\$ 344,487	\$95,000	27.6%
1233R, Overlay & Reconstruction 10R-28L	\$2,034,705	\$550,000	27.5%
1200B, Central Terminal Modernization & Concourse	\$25,965,550	\$2,048,507	7.9%
1022, South Terminal & Pier "E" Modifications	\$1,793,581	\$413,080	23.0%

Due to additional funding, from the Airports Commission, the HRC expanded the monitoring of smaller Airports Commission contracts. Emphasis is being placed on contracts in the amount of \$50,000 to \$250,000, especially the FAA-assisted contracts which require the Airport to comply with the Department of Transportation's MBE policy. Implementation of this had been delayed until the FAA approval of the HRC's revised affirmative action program recently. It is anticipated that the monitoring of smaller contracts will provide additional opportunities in both entrepreneurship and employment for minorities and women.

A Director's Finding of Noncompliance was issued July 29, 1980 that the F.P. Lathrop Construction Company was in noncompliance with MBE subcontracting obligations under the HRC's Affirmative Action/MBE Program. Lathrop formally appealed the Finding. Because the contract on which Lathrop was the apparent low bidder had not, at that time, been awarded, Lathrop was not entitled to a formal appeal hearing in front of the Human Rights Commission as provided for in Chapter 12B of the SF Administrative Code. However, the Commissioners did constitute themselves as an informal hearing panel, meeting twice. The panel, consisting of Commissioners Lyon (who presided), Chung, Edwards, Giles, Mezey, Stratton, Wade, and Weiner, took testimony from Director Mickins, Contract Compliance Officer Stanley Lim, Roger M. Hughes, attorney for F. P. Lathrop Construction Company, and Roger Sexton, the firm's Vice President, in the Conference Room of the Retirement Board on August 28, 1981. Deputy City Attorney Phyllis Walker provided legal counsel to the Commission.

On September 2, 1980, the informal hearing panel unanimously adopted a formal recommendation regarding F. A. Lathrop Construction Company's bid on Airports Contract No. 1200A. The Recommendation was that the firm be awarded the bid on Contract No. 1200A, with the proviso that it meet its 15% MBE commitment, and that HRC "prepare definitive language to add to the Program that designates the particular time at which a bidder will be judged on his/her intent and the means by which he/she will meet HRC goals."

In November of 1980, a Director's Finding of Noncompliance was issued against the F. P. Lathrop Construction Company on a prior Airport construction contract which had been awarded. This firm requested a Formal Appeal of the Finding. This hearing has been tentatively scheduled for September of 1981.

The HRC goals for the San Francisco International Airport for the 1981-82 fiscal year are to develop affirmative action agreements or certify compliance by all of the Airports Commission's tenants, to increase MBE/WBE utilization at the San Francisco International Airport, and to hold a Business Seminar, jointly sponsored by the Airports Commission and the HRC, to acquaint minority and women-owned businesses with the bidding process for concession space of the SFIA. The HRC goals for MBE/WBE participation and minority and women employment in architectural and engineering consultant contracts and construction contracts apply.

General Fund Departments

Chief Administrative Officer

The cable television franchise granted to Tele-Vue Systems, a subsidiary of Viacom International Inc., has been under the supervision of the Chief Administrative Officer. In San Francisco, Tele-Vue is known as Viacom Cablevision. Viacom Cablevision is operating under a franchise with the City and County of San Francisco, granted by the Board of Supervisors in 1964 and due to expire in 2005. The Human Rights Commission does not have a formal Affirmative Action Agreement with Viacom Cablevision. However, the HRC does have a Letter of Understanding that complies with the provisions of Chapter 12B of the Administrative Code of the City and County of San Francisco. In order for the HRC to determine to what extent Viacom Cablevision was in compliance with Chapter 12B, Viacom submitted annual workforce reports, while staff made semi-annual site visits. The HRC has been monitoring Viacom Cablevision since 1970; however, more close monitoring began in 1976 because of increased staff availability.

<u>Ethnic Group</u>	<u>May 1980</u>	<u>May 1981</u>
Am. Ind./Alaska Native	0	0
Asian/Pac. Is.	5.02%	7.46%
Black	14.52%	20.39%
Filipino	1.11%	.49%
Hispanic	15.08%	17.91%
White	64.24%	53.73%

The total number of employees increased from 179 in 1980 to 291 in 1981. The most significant changes were the increase from 14.52% to 20.39% for Blacks and the decrease from 64.24% to 53.73% for Whites. The total portion of minorities increased from 35.75% in 1980 to 46.26% in 1981. During the past 12 months, there were 65 new hires. Of these, 24 were minority males, 11 minority females, 25 White males, and 5 White females.

There are no set goals for the fiscal year involving Viacom Cablevision.

Community College District

As an agency of the State and with an independently elected Board of Governors, the San Francisco Community College District is not under the jurisdiction of the Board of Supervisors, even though it received a designated portion of San Francisco property taxes. This, of course, applied equally to the San Francisco Unified School District (SFUSD). Unlike the SFUSD, the

Community College District did not have its own Affirmative Action Officer and voluntarily chose to place itself under the jurisdiction of Chapter 12B, the Nondiscrimination Ordinance.

HRC staff Essie Thomas monitored four Community College Districts contracts. These were the following: California Dental Service, Safeco Life Insurance Company, U.S. Administration, Inc., and Lien and Quan. California Dental Service has not entered into a Letter of Understanding because it refused to separate Filipinos from Asians in its workforce reports, in accord with HRC Policy. The HRC does have Letters of Understanding with the other firms. Safeco has subcontracted to an MBE insurance firm. Lien & Quan is an MBE CPA firm.

There are no set goals for the fiscal year involving the Community College District other than the issue of the separate identification of Filipinos for statistical reporting.

Controller

Through the Controller's Office, contracts to certified public accountant firms were awarded. HRC staff, Essie Thomas, monitored these contracts and developed affirmative action agreements with these firms. The HRC was not included at the pre-award stage in all of the contracts awarded. The Controller did not use the formalized bid process, but rather solicited proposals based on the specialized accounting services required.

HRC staff has provided to the Controller's Office a Directory of Minority CPA firms. This Directory has been periodically updated. The most recent directory was released in November of 1980. That directory, assembled by the San Francisco Redevelopment Agency as part of its affirmative action program to foster equal opportunity for MBEs, listed 42 minority (Spanish-speaking, Asian, Black, and Native American) CPA firms.

HRC monitored six CPA firms through the Controller's Office. None of these were minority firms; however, the HRC monitored three CPAs, all of which were MBE, for other departments. The six firms monitored were the following: John F. Forbes & Co.; Hood & Strong; Peat Marwick, Mitchell & Co.; Main Hurdman, Cranstoun Co.; Touche, Ross & Co.; and Arthur Young & Co. The affirmative action agreements developed with the CPAs focused on goals for hiring minority and women for available openings at the professional, and administrative levels. Emphasis was placed on training, specifically training programs and contributions to scholarship programs.

The goal for the fiscal year is to increase the use of minority and women CPA firms by the Controller.

Department of City Planning

The Department of City Planning hired, during the fourth quarter of its fiscal year, a consultant to perform a design and traffic study of Market Street. Two subconsultants will be involved. The HRC staff will monitor these planning consultants.

There are no set goals for the 1981-82 fiscal year specifically designed for the Department of City Planning; however, the goals for MBE/WBE participation and minority and women employment in architectural and engineering consultant contracts apply.

Department of Public Health

The Human Rights Commission monitored contracts awarded by the Community Mental Health Service, San Francisco Department of Public Health, from October of 1978 through September of 1979. There were 58 contracts, funded at \$40,000 or more, representing 51 separate agencies. This monitoring was discontinued due to staff reductions. Monitoring will resume on a substantially expanded basis for the 1981-82 fiscal year; however, HRC staff began the work preliminary to full-scale monitoring in February of 1981.

For the first time, the HRC has been involved at the pre-award stage for Public Health grants and contracts. An affirmative action packet was included in requests for proposals and in the materials submitted to prospective contractors for the 1981-82 fiscal year by the CMHS/CSAS (Community Mental Health Service/Community Substance Abuse Services) Contracts Office. Contractors must have an affirmative action program approved by the HRC prior to the payment process beginning. Affirmative action questionnaires have been received from 60 DPH contractors. Of that, 47 programs have been approved by the HRC; however, the remaining 13 were granted conditional approval until an affirmative action agreement can be negotiated.

For the 1980-81 fiscal year, CMHS awarded 42 contracts, ranging in size from \$4,810 for Disabled Employees to \$4,871,807 to Westside Community Mental Health Center. Five agencies received more than one contract from CMHS. These were the Children's Hospital with three contracts for \$446,015, the Council of Churches with five for \$948,500, Pacific Medical Center with two for \$1,148,498, Progress Foundation with three for \$746,193, and the Regents University of California with two for \$935,922. For FY 1981-82, the Division of Alcohol Program of CSAS has awarded 23 contracts to 15 agencies. The dollar range of these contracts was \$19,854 for San Francisco Mental Health Funds, Inc., which also received CMHS funds, to \$243,462 for one of St. Vicent de Paul Society's two programs. The largest amount to a single agency was \$603,500 for the Salvation Army's four programs. The Division of Drug Programs funded nine programs for the first six months of FY 1981-82. These contracts for only half of the year, ranged from \$6936 for the Youth Projects, Inc. to \$394,125 for Bay Area

Addition Research and Treatment, Inc.

The goal for the fiscal year is to certify existing San Francisco Department of Public Health contractors to ensure acceptable affirmative action components.

Department of Public Works

Public Works construction projects under the aegis of the Chief Administrative Officer (CAO) are processed through the Department of Public Works (DPW). City Departments having commissions either were handled internally or through DPW, depending on funding source. The Airports Commission and the Port Commission each have their own engineering department. The design consultant contracts of City Planning are handled internally, rather than through DPW's Bureau of Architecture. The Recreation and Parks Commission has its own unit within DPW. The Social Services Commission's construction projects are handled by DPW. The Clean Water Program, although a separately funded program, has been attached administratively to DPW. The Moscone Convention Center is under the CAO. Because the extensive affirmative action monitoring provided by the HRC for special funded departments has been funded through inter-departmental work orders, the activities on their behalf have been reported separately. This applies to the Clean Water Program, the Moscone Convention Center, the Office of Community Development, and the San Francisco International Airport. The Port of San Francisco also is reported on separately even though the HRC has not received direct reimbursement for services rendered because the HRC remained under the County-wide Cost Assessment Program (COW-CAP) through the 1981-82 fiscal year.

The two HRC monitoring activities of DPW were in the pre-construction and in the construction phase of projects. Before construction actually began, DPW hired consultants for the planning and design phase. HRC staff monitored five public works contracts involving four prime design consultants and eight design subconsultants for \$1,000,000 of contract fees. The projects included designing a gym and recreation center in the Mission District, landscaping McLaren Park and modernizing the fireboat Phoenix. The MBE/WBE program was applied to contracts totally just under \$400,000. The breakdown was as follows:

Total design fees awarded:	\$399,181	
Total MBE	\$316,940	or 81%
Large MBE	\$ 20,000	or 5%
Small MBE	\$296,940	or 74%
WBE	\$ 8,241	or 2%

The high percentage to MBEs was due to two contracts awards to MBEs as Prime Consultants.

A small business is defined as follows:

An architectural, planning or environmental firm shall qualify as a small business if its fees for the preceding 3 years, excluding subconsultant fees, averaged less than \$375,000 and if the average number of permanent, full time employees during the preceding 3 years were 10 or less. An engineering firm shall qualify as a small business if its fees for the preceding 3 years, excluding subconsultant fees, were less than \$750,000 and if the average number of permanent, full time employees during the preceding 3 years were 20 or less. To qualify as a small business, a firm must total the number of employees and gross receipts of all its officers, nationwide. Statistics from only the local office may not be used. A goal of 25% of the consulting fee for each City and County project will be subconsulted to minority businesses. A goal of at least half of the total consulting fees awarded to minority-owned businesses for each City and County project, will be awarded to small businesses.

For construction projects, HRC staff monitored the following nine DPW contracts: Performing Arts Center (PAC); Golden Gate Park Conservatory; Hall of Justice Addition-Phase III; Stow Lake Fire Fighting Facilities; San Francisco Zoological Gardens; Clayton St., and T.P. Bl. Sewer Enlargement; modification to Administrative Building, Department of Social Services; Golden Gate Park Music Concourse; and PAC Rehearsal Wing. For these contracts, the work hours reported were primarily by "interior building" trades such as electrical worker, elevator constructor, glazier, plasterer, painter, and tile worker. The construction of the Performing Arts Center (Davies Symphony Hall) constituted the bulk of the reported hours. All of the other projects carried only a minimal number of workers per contractor. Compared with other departments, the DPW contracts showed only 40% overall minority utilization, against an average of 47% for all construction contracts. Female workers accounted for 5% or 35 persons; however, they were concentrated in only five trades: electrical worker, carpenter, glazier, painter, and sheet metal worker.

The goals for the 1981-82 fiscal year, for MBE/WBE participation and minority and women employment in architectural and engineering consultant contracts and in City construction contracts apply. Specifically designed for DPW is the goal of establishing and implementing a fee schedule requiring bidders of Public Works and improvement contracts to pay a reasonable pro-rate fee, based on the amount of the contract, to reimburse the HRC for services provided in fulfilling federal, state and local requirements in equal employment opportunity and affirmative action.

Department of Social Services

The Department of Social Services (DSS), is a department yet to come on line in having its contracts approved by HRC in accordance with Chapter 12B. A 1979 Deputy City Attorney opinion had the effect of removing agreements with private placement institutions from 12B coverage. HRC staffing limitations have further prevented monitoring coupled with DSS refusal to provide inter-departmental funding to ensure compliance with Chapter 12B. In a March 1981 meeting with the DSS General Manager, the following four-part proposal was made:

- 1] The HRC will monitor businesses with which DSS has term purchase agreements, the primary Homemakers Services Agreements and the major group homes for affirmative action compliance.
As a matter of policy, exemption limits will be established for smaller group and foster homes.
- 2] HRC staff will analyze the workforce statistics collected by DSS compliance staff and correct deficiencies where indicated or collect proper data if the existing information is inadequate.
- 3] HRC staff will review the status of those firms and/or agencies which have not responded to DSS Questionnaires and pursue follow-up procedures, including initiating complaints of non-compliance when necessary.
- 4] HRC staff will negotiate Affirmative Action Agreements as required with the above mentioned firms and/or agencies and continue monitoring them through timely submission of periodic workforce reports pursuant to Chapter 12B of the Administrative Code.

Implementation of this plan, however, is totally dependent on the receipt of funding for the necessary staff.

In addition, HRC has a commitment to implement the provisions of Sections 503 and 504 of the Rehabilitation Act of 1973 because the disabled are a protected class in Chapters 12A, 12B, and 12C of the Administrative Code. However, due to budget constraints, the HRC has been unable to fulfill this mandate.

The goals for the fiscal year are to begin monitoring homemaker and purchasing agreements of the Department of Social Services and to expand non-discrimination and affirmative action services to the disabled community.

Parking Authority

The San Francisco Parking Authority held twelve leases for parking facilities. Six of the leases were let for a period of 50 years, one for 33, and one has automatic annual renewals until 2010. Three of the leases do not expire until 2015. Of the 12 leases, HRC staff Essie Thomas obtained completed workforce questionnaires from eight. These were the following:

1. Civic Center Plaza Garage
2. Ellis-O'Farrell Garage
3. Golden Gateway Garage
4. Japanese Culture & Trade Center Garages
5. Allright Parking Garage
6. Seventh & Harrison Parking Plaza
7. Union Square Garage
8. Vallejo Street Garage

The lease holders not responding were S.E Onorato, Inc. and Systems Auto Parks and Garages. The latter has the lease for the Sutter-Stockton Garage. Three leases: Fifth and Mission Garage, Portsmouth Square Garage, and St. Mary's Square Garage were let to Mr. S.E. Onorato. Because their leases were let prior to the establishment of the Human Rights Commission, the HRC lacked the jurisdictional authority to require their compliance. The S.E. Onorato three leases expire in 1985, 2007, and 2010 while Systems Auto Parks and Garages' lease expires in 2009.

The composite workforce for the right lease holders, was:

<u>ETHNIC GROUP</u>	<u>JANUARY 1980</u>	<u>JUNE 1981</u>
Am. Ind/Alask.Native	0	0
Asian/Pac. Is.	19.58%	19.53%
Black	15.38%	21.09%
Filipino	3.49%	4.68%
Hispanic	16.08%	17.96%
White	45.45%	36.71%

The total number of employees dropped from 143 to 127 at the same time that minority personnel increased from 54.54% to 63.28%. While the number of women remained at 17, the percentage changed from 11.88% to 13.28% because of the reduction in total employees. The majority of employees were attendants, 67.13% of the total workforce in 1980 and 64.56% in 1981. Of that 59.37% and 69.51% were minorities respectively. The job category with the highest percentage of minority was cashier. Nine of the 11 or 81.81% in 1981 and seven of the 10 or 70% in 1980 were minority. The lowest minority representation was in supervisors with 30% or three out of ten both years and clerical with 33.33% in 1980 and 40% in 1981. Overall, Blacks increased from 15.38% to 21.09% while Whites dropped from 45.45% to 36.71%.

No affirmative action programs have been developed with the lessees. There are no set goals for the 1981-82 fiscal year involving Parking Authority leases.

Purchasing Department

The City and County's Purchasing Department lets hundreds of contracts and spends in excess of 150 million dollars per year. These contracts include such supplies and services as automotive vehicles and parts, all types of paper supplies, reproduction services, office and business machines, uniforms, janitorial services, drugs, chemicals, miscellaneous hospital supplies, office supplies, food products and repair services for machinery and equipment. Virtually every product and service required to operate City government is put out to bid by the Purchasing Department.

The Purchasing Department operates through a group of Buyers, working under the direction of the Chief Purchaser. Each Buyer is responsible for assuring that all possible sources of supplies and services are made aware of each contract proposal of reasonable size. On small contract items, under \$500, the Buyer may call a known supplier to cover the contract. Occasionally, on a large item there may be only one identifiable supplier with whom to negotiate. Under the normal procedure, the Buyer sends the bid request (Contract Proposal) to all known suppliers of that commodity or service. Notice of the Contract Proposal is also published in the major newspapers to solicit additional bids. On a designated date, the bids are opened and the lowest responsible bidder is selected. The term "lowest responsible bidder" has, to a great extent, come to include affirmative action and nondiscrimination efforts in the view of the Purchasing Department. However, the Purchaser still feels that his Department's responsibility is primarily to obtain the lowest price for suitable supplies and services for the taxpayers of the City and County of San Francisco, as indicated in the City Charter. When a bidder clearly violates the procedural provisions of Chapter 12B, such as not supplying required information, or clearly refuses to comply with nondiscrimination provisions, the Purchasing Department has generally been supportive of the HRC's position. In cases of more substantive problems involving HRC's judgment or the need for increased effort or additional requirements, particularly when a substantial amount of money was concerned, Purchasing has been less supportive and even combative. It has remained the Purchaser's position that strict enforcement of Chapter 12B reduces the number of bidders and forces the price of supplies and services higher, thereby preventing the Purchasing Department from complying with its own legal charge.

Until the Fall of 1978, the HRC had a policy of targeting specific Purchasing Department contractors. This procedure concentrated on large companies, large contracts or specific situations, such as employment complaints. This policy was a result of HRC budget and staff size. One result of this policy was that, although Chapter 12B was attached to all contract proposals, only those bidders targeted for action were specifically aware of affirmative action requirements and obligations.

The HRC Director established a new approach with Purchasing. The revised policy included some form of monitoring of all contracts over \$50,000 and gathering information on the participation of minority business enterprises (MBE) on Purchasing contracts. An affirmative action memorandum

and questionnaire was to be included in all contract proposals over \$50,000, in addition to a revised copy of Chapter 12B. The memo:

- 1] explained the obligation of the bidder to provide information to the HRC:
- 2] described HRC's priorities for affirmative action in employment:
 - a) full time employment of minorities and women,
 - b) promotion of minorities and women,
 - c) part-time and summer employment for minorities and women.
- 3] indicated that if the questionnaire was not completed and returned with the bid, the City could not consider the bid.

The questionnaire required information on:

- 1] the business activity of the bidder,
- 2] hiring and recruitment practices,
- 3] affirmative action measures utilized (written programs to be attached),
- 4] whether firm was minority or woman owned, and
- 5] workforce data.

As might be expected, such a new policy created some degree of difficulty. Many bidders, including long-time bidders and contractors, did not return the forms and found themselves ineligible for selection. Some bidders did not understand new procedures because of lack of experience with affirmative action. Others, especially small firms, felt it did not apply to them. Still others refused to accept another "example of bureaucratic interference in their business". Many of these bidders have since submitted the information on subsequent contract proposals. However, some appear to be content to remain ineligible. As a result, representatives of the Purchasing Department have charged that HRC requirements cost the City money.

A series of meetings between HRC staff and the Chief Purchaser and his Buyers resulted in a revised memo to bidders to further clarify their obligations. Bidders are required to update information on a yearly basis. An HRC "approved" list is in the process of being devised, listing firms by type of business. The Purchasing Department Buyers will utilize the list to determine which bidders are eligible for selection. A bidder not on the list must submit affirmative action information with the bid package.

The list will also be valuable to community recruitment and referral agencies. It will indicate which companies have affirmative action obligations. The HRC will be interested in learning about firms on the list that prove unreceptive to referrals from community agencies. The approved list will have companies in the following categories:

- 1] unsuccessful bidders that have provided affirmative action information;
- 2] bidders or contractors demonstrating successful affirmative action techniques indicated by workforce data;
- 3] bidders or contractors with approved affirmative action programs; and
- 4] bidders or contractors with HRC affirmative action agreements.

In order to remain eligible bidders or contractors, all firms must conform to Chapter 12B.

One of the difficult problems uncovered in the attempt to monitor Purchasing Department contracts was the high incidence of awards to out-of-town and out-of-state suppliers. Approximately 60% of supply and services contracts were awarded to out-of-area contractors. This did not include contracts awarded to small local firms which were the distributors for out-of-area businesses. The commodity was often a bargain because of lower material and labor costs in other areas of the nation. It was impossible for the HRC to apply the affirmative action criteria used in San Francisco, or even the Bay Area, to other areas, especially those for which data was lacking.

As an example of the kind of problem this situation created, three of the primary supplies and services that still have a source of local bidders were automotive vehicles and parts, janitorial and cleaning services, and printing and reproductive services. Of the local companies selected in the past year to supply these goods and services, the minority workforces was 47.7% in automotive, 66.6% in janitorial, and 45.3% in printing. However, the medical, surgical and drug supply contractors were virtually all located in the Eastern suburban areas, and those selected bidders averaged about 18% minority workforces. An overall statistical review of Purchasing Department bidders would provide a distorted picture. Local suppliers are reviewed separately, as group or by industry, to indicate their strengths and/or weaknesses, considering their more stringent requirements. Out-of-area suppliers are reviewed separately, realizing that while they are obligated to supply information as required by Chapter 12B however, additional requirements may not be realistic because of locale.

One of the important reasons for developing a revised approach to the Purchasing Department was the lack of participation by minority and woman-owned businesses in the bidding and selection process. The individual Buyers in Purchasing are responsible for soliciting bids on contract proposals. The proposals tend to go to the bidders that are known to the Buyers. This did not include many minority-owned businesses. Solicitations were also published in the major newspapers. Minority firms have not seemed to take advantage of the advertisement. Minority bidders and minority contractors were even fewer. Since June, 1980, there have been five minority-owned firms selected for City contracts. This accounted for much less than 1%

of the total purchasing dollar spent by the Purchasing Department. The HRC, in June of 1980, adopted the following MBE and WBE goals for the letting of Purchasing Department contracts: participation of minority-owned businesses, 25%; and participation of women-owned business, 5%. The lower figure for WBEs was set as a reasonable initial figure which can be adjusted as more information becomes available on the number of women-owned businesses seeking contracts with the City.

The Chief Purchaser readily agreed to a proposal by the HRC to the U.S. Department of Commerce for funding of a local minority business development program. However, funds were unavailable.

The Purchaser was adamant that a "set-aside program" or point rating system to bring MBEs or WBEs into the City purchasing dollar was prohibited by the City Charter. Existing minority business development agencies were reluctant to work with the Purchaser because of his refusal, or inability, to consider set-asides or other similar systems such as used by the State of California and several cities.

The HRC has considered assigning staff to perform some of the duties necessary to MBE and WBE development in the Purchasing Department. This would necessitate de-emphasis of the employment monitoring function. The important functions to be performed were:

- a) identification of MBEs and WBEs to the individual Buyers;
- b) monitoring of the contract proposal lists to determine that MBEs and WBEs receive proposals;
- c) if MBEs and WBEs do not respond, follow-up to determine the reason;
- d) evaluate the performance of any selected MBE and WBE; and
- e) use this information to improve business participation.

The provision in Chapter 12B.4 (c) (5) of the City Administrative Code regarding "prevailing wage" became the subject of a lawsuit against the Community College District due to an award of a contract for janitorial services by the college district to a minority contractor who allegedly was not paying the prevailing wage. The lawsuit and job action was brought by Local 87 of the Building Maintenance Employees Union of the Service Employees International Union. On advice of Deputy City Attorney to the Purchaser that the "prevailing wage" provision of 12B.4 (c) (5) required the HRC to examine each bid by a City awarding agency to determine if the contractor was paying and agreed to pay prevailing wage, the Purchaser threatened to withhold processing purchase agreements until this was done. The HRC position had been, since the passage of 12B.4, that the prevailing wage provision was, limited to discriminatory and disparate treatment of minority workers in relation to nonminority workers. The position of the HRC has been to reject any blanket deletion as being both potentially harmful and subject to misinterpretation and that the matter be handled procedurally. The wording of Chapter 12B.4 (c) (5) reads, in part, as follows:

"Encouraging the use of contractors, subcontractors and suppliers of all ethnic groups, provided, however, that any contract subject to this ordinance shall require the contractor, subcontractor, and

supplier to provide not less than the prevailing wage, working conditions, and practices generally observed in private industries in the City and County of San Francisco for such work,....."

The HRC goal for the Purchasing Department for the 1981-82 fiscal year is to establish a program to promote MBE/WBE participation in the goods and services bought through the City Purchaser.

Solid Waste Management Program

A consultant and three subconsultants were hired to identify an alternative landfill site for San Francisco for a fee of \$150,000. The Solid Waste Management Program also hired a management consultant to aid in policy and contract negotiations for recycling and resource recovery in San Francisco. The HRC staff monitors these planning consultants.

There are no set goals for the 1981-82 fiscal year specifically designed for the Solid Waste Management Program; however, the goals for MBE/WBE participation and minority and women employment in architectural and engineering consultant contracts apply.

Treasurer

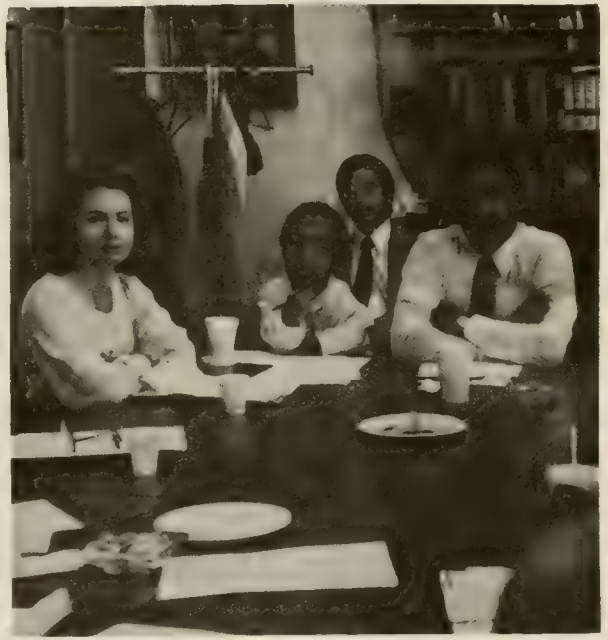
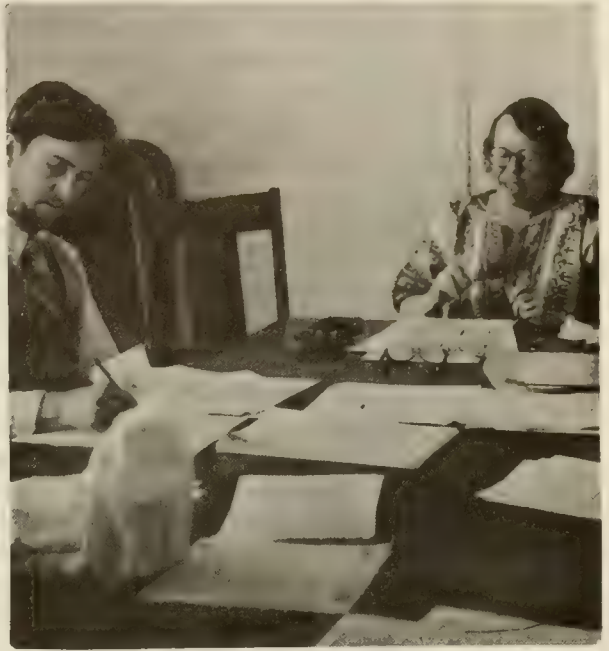
The City Treasurer maintains over \$154,600,000 on deposit in 27 banks and 19 savings and loan associations. The Treasurer has a policy of depositing City money in a large variety of institutions, from traditional major banks to newly founded minority savings and loans. There is a requirement that all City deposits must be collateralized 110% with government securities by the bank. The City Treasurer has the power to waive the first \$100,000; therefore, many small savings and loans can also take advantage of City deposits.

In December of 1979, the California Bankers Clearinghouse Association challenged the HRC's jurisdiction in issuance of its workforce questionnaire. The City Attorney's Office was advised that the Association, representing the major City banks, intended to litigate on this basis and on the basis of pre-emption by State Labor Code 1431. At the request of the City Attorney's Office, the HRC had extended its deadline, which had been originally set for December 12, 1979, for return of the recruitment, hiring, and training practices questionnaire. In January of 1980, the HRC notified all financial institutions that it had agreed to rescind its compliance guidelines and to conduct a review of the criteria and other relevant data, inviting the banks and savings and loan associations to contribute their suggestions and input.

No monitoring activities had been carried out subsequently. Bruce Nelson of the law firm of Morrison & Foerster representing the Bankers Clearinghouse Association met with Director Mickins June 25, 1981, to discuss resolution of this long-standing impasse. Subsequent to the State Court of Appeals' decision in re: Alioto et al vs. HRC sustaining that Chapter 12B was an exercise of the City's contracting power and affirming that the City was authorized to compel disclosure of work-force information sought by the HRC, the Bankers Clearinghouse Association has expressed a desire to negotiate the Bankers' concerns to a mutually acceptable resolution.

The goal for the 1981-82 fiscal year is to resume monitoring of those banks and savings and loan associations holding City funds.

OFFICE OF DISPUTE RESOLUTION



Issues Mediated Through Standing Committees

The Standing Committees of the HRC investigate issues which either have caused or are likely to cause community tensions. Depending on the issue, a committee may mediate or conciliate the problem, recommend governmental action, or report on the issue to the Commission. During the first half of 1980 and the 1980-81 fiscal year, each of the six standing committees probed key issues.

1. The Administrative Committee, adopted, on October 30, 1980, the Program Structure for the Human Rights Commission in conformity with the requirement of the FIRM (Financial Information and Resources Management) Project. The major service area for each department was defined by the Board of Supervisors. For the HRC, it was Human Welfare and Neighborhood Development. The overriding concern of the Administrative Committee was that the program structure reflect the actual work of the Human Rights Commission. The HRC converted into the FIRM system effective July 1, 1981. The program performance measurement of FIRM is an MBO (management-by-objectives) program. The structure finally adopted by the Administrative Committee was:

Community Goal: Social and Economic Well-Being

Program: Protection of Human Rights

Program Goals: To eliminate discrimination, reduce intergroup tensions, and promote equal economic and educational opportunity.

Activities:

1. Contract Compliance
2. Dispute Resolution
3. Fair Housing
4. Office of Revenue Sharing Compliance
5. Administration

- Director Mickins sent a letter and a copy of Principles for Affirmative Action in Employment to George Gallup, Jr., President of the Gallup Poll, objecting to the poll which alleged "preferential job hiring opposed". The formulation of the question inferred that race/sex and ability are two mutually exclusive principles which, obviously, they are not. Mr. Gallup responded that "your comments and the documents sent will be of great help in the formulation of future questions in this area."

- The Administrative Committee examined the sections affecting the HRC's role and responsibilities in the proposed Charter of the City and County of San Francisco. The HRC opposed the provision that the four-year terms for commissioners run concurrently with the Mayor's term. The recommended

preamble on equal opportunity did not include the HRC - recommended Bill of Rights. The revision proposal did not include the powers specified in Chapter 12B of the Administrative Code. The proposed new Charter was defeated in the primary election of June 1980.

2. The Employment Committee, acting on the request of Commissioner Pius S. C. Lee, drafted, adopted, and submitted to the HRC a Statement and Recommended City Policy Regarding the Use of Slurs Against Groups Protected by Chapters 12A, 12B and 12C of the San Francisco Administrative Code. The HRC adopted this document May 8, 1980, and submitted it to the Civil Service Commission. Commissioner Lee had raised the issue because of tensions within the Chinese community resulting from anti-Chinese slurs made by a City official. The Civil Service Commission adopted this Policy in August of 1980. It was published and distributed to all City and County departments as official CSC policy the following month. The Policy, as adopted by CSC, is as follows:

Policy Regarding the Use of Slurs By City Officials and Employees

It is the policy of the City and County of San Francisco, and of each of its officials, employees and agents acting in their official capacity, to treat all persons equally and respectfully, and to refrain from the wilful or negligent use of slurs against any person on the basis of race, color, creed, national origin, ancestry, age, sex, sexual orientation or disability. A slur, as used in this policy, is a word or combination of words that by its very utterance inflicts injury, offers little opportunity for response, appeals not to rational faculties, or is an unessential or gratuitous part of any exposition of fact or opinion. All persons are entitled by law to the right of equal treatment and respect. Slurs deprive members of the protected groups of this right by holding them up to public contempt, ridicule, shame, and disgrace and causing them to be shunned, avoided or injured in their occupation. By promoting ill will and rancor, slurs diminish peace and order.

The use of such slurs by City officials or employees will be considered by commissions, departments, agencies, boards, or appointing authorities as prima facie evidence of the lack of competence of said City officials and employees. Evidence of usage of such slurs shall be entered in job performance evaluations and shall be considered in evaluating the fitness of City employees.

- In response to concerns raised by women, the Employment Committee studied extensively the issue of sexual harassment in the work place. On January 15, 1980, a Position Paper called Sexual Harassment as an Employment Issue was adopted by the HRC. On December 11, 1980, the HRC adopted a recommended City Policy Prohibiting Sexual Harassment, and submitted it to the Civil Service Commission, urging that it be adopted as City policy and distributed to all boards, agencies, and commissions for implementation. It was referred by the CSC to its Affirmative Action Committee in March of 1981. This recommended Policy has not been adopted by the Civil Service Commission.

The HRC did adopt this policy for those city contractors covered by Chapter 12B.

- The Disabled community has become increasingly vocal in lobbying for affirmative action and for the inclusion of Section 504 of the Federal Rehabilitation Act of 1973 in Chapter 12B of the S.F. Administrative Code. The Employment Committee has been very sympathetic to the concerns of the Disabled and to their needs for expanded services. The Committee, with intensive staff assistance from Vicky Rathbone, staff to the Employment Committee, and Mary Gin Starkweather, Disabled Community Liaison, had reviewed proposed amendments to Chapters 12B and 12C, seeking to ensure that these amendments were enforceable and designed to truly improve the participation of the Disabled community in City contracts.

- Trying to reconcile the concern of racial/ethnic groups to be statistically identified in order to pinpoint problems and accomplishments on the one hand and to set uniform standards for city contractors reporting on the racial/ethnic composition of their employees on the other, the HRC adopted uniform racial/ethnic designation categories for reporting purposes. These categories were as follows: White, Black, Hispanic, Asian or Pacific Islander, Filipino, and American Indian or Alaskan Native.

- In response to those ex-offenders who had experienced serious discrimination in seeking employment, the HRC developed updated guidelines regarding the use of arrest and conviction records in the employment and personnel review process of City contractors and subcontractors.

3. The Gay Advisory Committee, following the community turmoil generated by the CBS documentary film "Gay Power, Gay Politics", aired April 26, 1980, prepared a resolution condemning CBS News for irresponsible journalism. The finding by the National News Council sustained that judgment.

To combat escalating anti-Gay violence, the Gay Advisory Committee sponsored two community meetings: March 15, and March 29, 1980, which sought constructive solutions. The outgrowth of these meetings was that CUAV, Community United Against Violence, applied for funding under the Law Enforcement Assistance Act. Subsequently, CUAV received city funds.

On recommendation of the Gay Advisory Committee and the Board of Directors of the Friends of the Human Rights Commission (FHRC), the HRC opposed Assembly Bill 879 and Senate Bill 516 relating to fair employment. At the request of the HRC, Supervisor Harry Britt introduced a resolution, passed by the State and National Affairs Committee of the Board of Supervisors on May 1, 1981 and subsequently by the full Board, opposing these bills. If this legislation were to have passed, it would have abolished local control over contract compliance and would have reduced substantially protection against discrimination for minorities, particularly the Disabled and the Gay communities.

To go beyond opposition to AB 879 and SB 516 and to reaffirm the principles involved, the FHRC, on May 27, 1981, and the HRC, on May 28, 1981, adopted a resolution on affirmative action recommended by the Human Rights Commission for adoption by the Board of Supervisors. The text of that resolution is:

WHEREAS, existing legal protection against discrimination in employment, housing, and public accommodations serves the legitimate interests of the people; and

WHEREAS, a significant reduction in this protection jeopardizes the rights of minorities and women and undermines the public welfare; and

WHEREAS, the Board of Supervisors enacted Chapters 12A, 12B and 12C of the San Francisco Administrative Code, and Article 33 of the Police Code, in addition to other ordinances, to provide recourse to its citizens against arbitrary discrimination; and

WHEREAS, the Board of Supervisors and the Mayor have conscientiously exercised the power of the local Charter to ensure that public monies and contracts have been fairly divided to enhance employment opportunities for all persons who seek to enjoy these benefits,

THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the City and County of San Francisco reaffirm its support of affirmative action and equal opportunity and reiterate its support of the ordinances it has already passed; and

BE IT FURTHER RESOLVED, that the Board is committed to retaining local control of its contract and police power for the protection of the rights of minorities, women, the elderly and disabled; and

BE IT STILL FURTHER RESOLVED, that the Board of Supervisors does hereby oppose legislative attempts to pre-empt local jurisdiction and to dilute affirmative action as inimical to the interests of the people of the City and County of San Francisco.

4. The Housing and Urban Development Committee initiated a resolution calling on the City to provide tenant/landlord counseling services to reduce community tensions because 66% of San Franciscans are renters and the housing vacancy rate has been estimated at 1.5 to 1.8%.

- As part of its on-going efforts to generate additional low and moderate income housing, the Housing and Urban Development Committee adopted a resolution, subsequently passed by the Commission, urging that surplus school properties be used for housing.

5. The Police Liaison/Social Issues Committee recommended to the HRC that it urge the Congress to renew the Voting Rights Act of 1965 in 1982 with its language minority amendments intact and reaffirmed its long-standing support for continuation in San Francisco of multilingual ballots, voter registrars, poll officials, and voter information, and

and instruction material. The HRC also opposed H.R. 1407 which would delete those sections of the Voting Rights Act that allow local election officials to provide bilingual assistance in election. The Committee's recommendation was to forestall the community tensions which could result from the erosion of hard-won voting rights.

The Police Liaison/Social Issues Committee prepared a statement, subsequently adopted by the Commission in August of 1981, on the use of violence as a protest policy, triggered by vandalism and violence at the showing of the film "Birth of a Nation". That statement is:

The Human Rights Commission, which is mandated to advocate and protect basic human rights, including the right of freedom of expression and the right to demonstrate peaceably on public issues, condemns any action such as the one that took place June 10, 1980 by the International Committee Against Racism at the Richelieu Cinema, i.e., actions that involve the deliberate use of violence or vandalism. Such behavior as a matter of any group's deliberate policy is provocative, inflammatory, dangerous to public peace, and counter productive to any other legitimate protests.

6. The Youth and Education Committee sought to defuse community tensions revolving around the fiscal constraints under which the San Francisco Unified School District operated and the proposed cut backs in public school programs by objectively studying the situation and then disseminating accurate information. The Committee's finding was that however serious the projected fiscal deficit and some of the cutback measures might be, some of the dire predictions of cuts in educational quality and diversity were inaccurate as well as inflammatory.

- With the HRC as one of the designated organizations serving on the Delinquency Prevention Coordination Council, the Youth and Education Committee devoted its meeting, following the release of this report in October of 1980, to the findings in the Youth Needs Assessment Report that were within the areas of the HRC's special concerns. Speakers from the SFUSD as well as from other public agencies and from private organizations addressed the issues raised in the Report, particularly as they relate to the problems of immigrant and refugee youth, to occupational preparation, and to the subject of counseling services.

- Issues were, at times, mediated directly by staff without the involvement of a standing committee. An example of this was the mediation by the Director and the Lesbian/Gay community liaison in July of 1980 of a dispute between summer school students at a middle school and Gays living in the neighborhood. Staff became involved after a band of youth attacked a Gay man. Dialogue was established between the school and the community and preventive measures involving the students and the faculty were instituted.

Discrimination Complaints

The complaint reporting procedure differed markedly from those used for previous annual reports. In the past, complaints were broken down by the following: employment, housing, Gay rights, education, and other including personal problems. Complaints for this report and hereafter were reported by the three types of HRC complaints: official, formal, and informal. The definition of three types was as follows:

Informal: Informal complaints are those verbal complaints made to an HRC staff person orally or in writing where the charges are based on the policies or actions of governmental or corporate respondents or unidentified members of the public, or the public in general. Informal complaints need not be registered in the complaint registry.

Formal: Formal complaints are those made to an HRC staff person in writing by an individual, organization, requesting an investigation and determination within a reasonable time.

Official: Official complaints are those complaints made by an individual, organization or HRC staff person against a company holding a City contract and follows HRC prescribed complaint procedure as outlined in HRC Affirmative Action in Employment, Rules of Procedure.

Formal and official complaints were entered in the HRC complaint registry under date received and assigned a number. The type of complaint, title of complaint, staff initials, staff report due date, Director's finding if applicable, administrative hearings, show cause appeal if applicable, final finding, and closure date were noted. Once a complaint has been received and registered, staff have been directed to complete investigation in 21 working days. Data supplied by staff, in addition to that recorded in the Complaint Registry, specified the protected class under which the complaint was filed, the protected classes which described the complainant, the duration of the investigation, the amount of staff time required, and the outcome of the complaint.

Because the type of data available differed markedly for the 1980 calendar year as contrasted with that for the first six months of 1981; the statistics for the entire 18 month period were not combined. 1980 was the last year for which complaints were reported by calendar year. Subsequent reporting will be by fiscal year. To provide a degree of comparability, the 1980 data was also broken down by the general categories previously used.

The breakdown by general category for the past three years was:

<u>Category</u>	<u>1978</u>	<u>1989</u>	<u>1980</u>
Employment	254	295	296
Housing	186	195	108
Gay Rights	330	74	45
Education	33	20	7
<u>Other</u>	<u>237</u>	<u>143</u>	<u>114</u>
Total	1040	727	570

The "other" category included personal problems, disputes with public agencies or private businesses, and emotional/or mental disturbances. The HRC staff exerted most of its professional attention and expertise in this category because the bulk of these complainants considered their problem one of human rights and being "listened to" by a governmental agency.

Civil Service complaints accounted for 164 of the 296 employment complaints in 1980 as compared to 192 of 295 in 1979 and 145 of 254 in 1978. The 156 cases which came under the jurisdiction of the San Francisco Civil Service Commission (CSC) were a decrease of approximately 20% compared to the tally of 192 cases for 1979. This decrease was attributed to two factors: (1) the increased familiarity of the public to CSC Rule 103; and (2) the effectiveness of CSC's EEO-(Equal Employment Opportunity) Unit in responding to CSC problems and issues. The specific operational requirements of the Office of Revenue Sharing Compliance Agreement has also had a major positive impact on employment complaints, decreasing their numbers. The 156 Civil Service cases in 1980 reflected a continued decrease in pre-employment complaints, but a continued increase in in-service complaints by City employees regarding working conditions, promotion, transfer, and discipline. The majority of the cases, approximately 70 to 75 percent, charged "Race" as the protected class when the complaint was filed. Blacks and Hispanics were the two major group filing. Approximately 15 percent of the complainants charged "Sexual orientation" and approximately 10% charged "sex" as protected classes when filing. Procedurally, since June 1979, all Civil Service cases are referred to CSC-EEO-Unit for their staff involvement. The majority of these cases never formally reached the Civil Service Commission level, but were resolved informally by staff administratively. The bulk of all these cases (70)) were resolved in favor of the complainant. The other cases were found to lack merit or insufficient evidence and were dismissed.

Gay rights complaints, of which 31 of the 45 complaints in 1980 involved employment, represented slightly more than half the number recorded in 1979 and approximately one-eighth the number filed in 1978. The 1980 figure would appear to be unusually low, attributable to the absence of records kept for the complaints from January through October of 1980 because of inadequate staffing. Of the 45 complaints for the entire calendar year, 11 were filed in November and December when a new liaison had assumed the position.

The housing, education, and other categories all dropped from 1979 to 1980. A comparison of total complaints annually from 1969 through 1980 reflects wide fluctuations with 1980 being the lowest at 570 and 1977, with 1182, being the highest. These reductions in complaint caseloads seem to be caused by a number of factors: Creation of other complaint handling agencies, (i.e. Citizen's Assistance Center, Rent Arbitration Board, CSC-EEO-Unit etc.) closer evaluation, utilization and referral to the network methods of complaint of other anti-discrimination agencies, and more efficient recording.

Of the 570 complaints filed in 1980, 424 or 75.39% were informal, 132 or 23.16% were formal, and 14 or 2.45% were official. In construction, there were six official cases; three involving Airport contractors. Of the

remaining official complaints, three involved sexual orientation, three banks, one the Commission on Aging, one the Moscone Convention Center, and one an airline company.

The amount of staff time involved in conducting investigations varied by the type of complaints. Informals took from ten minutes on a telephone call to two months; however, the usual duration was two weeks. Eight to ten staff hours could be devoted during that time. Some informals took 20 hours of staff time. Formal complaints, other than for the 98 of the 132 formal complaints which were housing-related, generally took two to four months. Official complaints took the longest. The HRC vs. North Point Center Inc. (Pier 39) was not settled until July 17, 1980 even though originally filed in 1978. Several official complaints are awaiting the issuance of Director's Findings after the staff investigation has been completed. Frequently the Director conducts a resolution conference prior to issuance of a formal Director's Finding.

The ethnicity of the complaint varied as a function of the type of complaint. Sexual orientation was primarily White male. Blacks and Hispanics were the two major groups filing Civil Service complaints. Black and Whites with children were the bulk of the housing complaints. Some staff, because of their bilingual skills, received complaints only from monolingual persons, ie. Spanish speakers. The distribution of the cases was also a function of the type of complaint. Employment complaints not against City contractors were almost always referred to other agencies. Complaints involving City contractors, because of the jurisdiction of Chapter 12B of the SF Administrative Code, were resolved by the HRC. For example, a formal complaint involving an airline resulted in changing the company's layoff policy. Because the HRC is specified in Article 33 of the Police Code (the Gay Rights Ordinance) as the agency to which sexual orientation complaints could be brought for investigation and mediation, the Lesbian/Gay community Liaison conducts thorough investigations, the findings of which are referred to the District Attorney's Office for those cases not resolved through mediation.

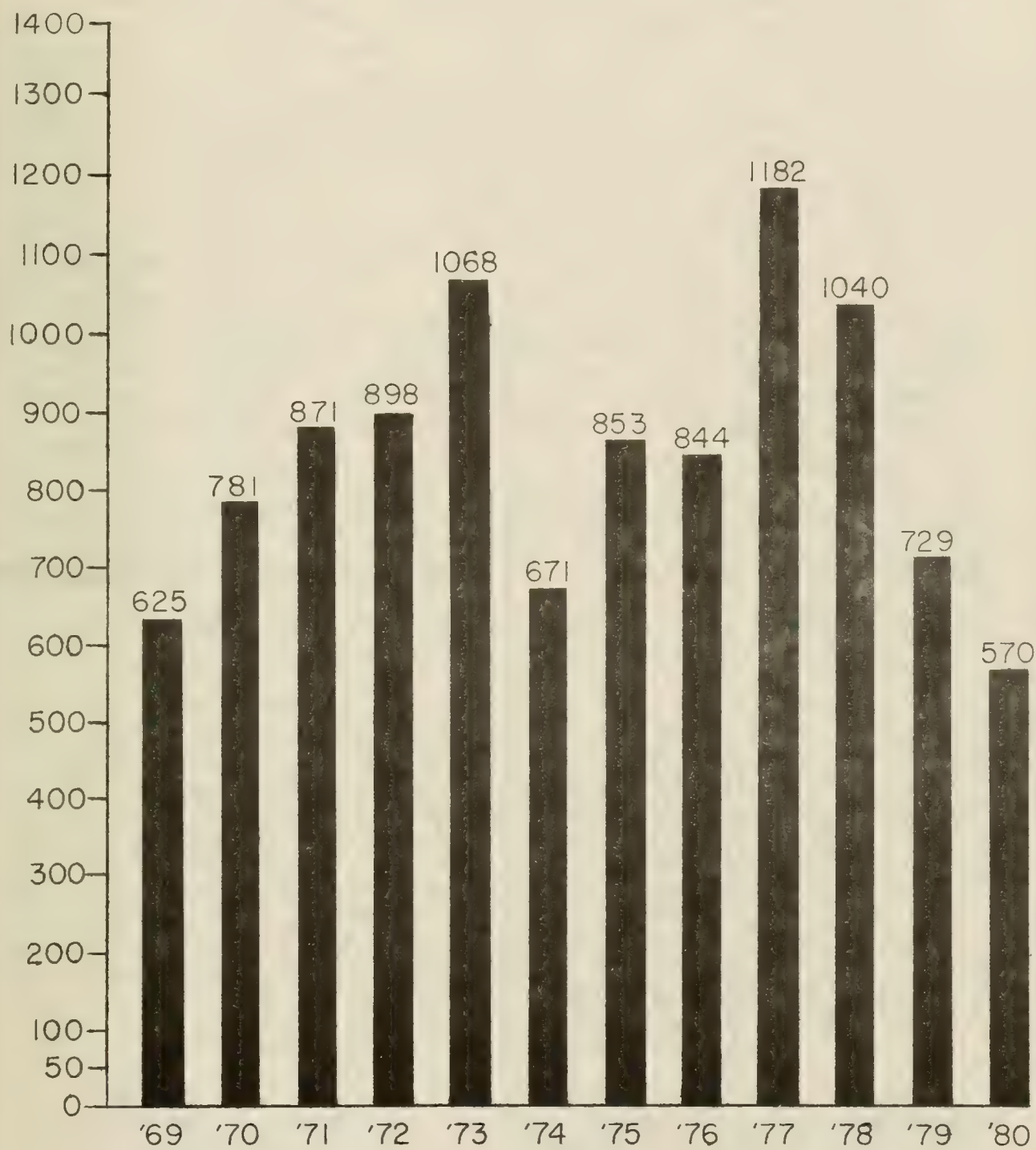
For the first six months of 1981, 373 complaints were filed as compared to 570 for the entire 1980 calendar year. Of these, 229 or 61.39% were informal complaints, 135 or 36.19% were formal, and 9 or 2.41% were official. During 1980, about the same percentage of official complaints was filed; however, the proportion of informals was greater by 13% in 1980. The housing complaints for the six months of 1981 were more than half again as much as for the entire period of 1980, 156 to 98. The 44 sexual orientation complaints were only one less than for all of 1980. Outreach is being undertaken to acquaint Lesbians and Third World Gays with the availability of this complaint investigation resource. The number of Civil Service complaints for 1981 was down considerably from 1980, partly because many of the inquiries received were treated as requests for technical assistance rather than as informal complaints and partly because the senior staff person who had tremendous expertise in the workings of Civil Service was now in charge of Office of Revenue Sharing Compliance for the HRC rather than handling complaints directly.

Because many of the informal complaints were transmitted by telephone, the protected classes, i.e. ethnicity sex, sexual orientation, age, or disability, in which a complainant fit were nearly impossible to determine. On the basis of that information which was obtained, approximately, 5.5% of the complainants were female, except for sexual orientation which was almost exclusively filed by White males. Overall, the largest number of complaints, approximately 45%, was filed by Blacks, particularly in employment and housing. White males filed sexual orientation complaints, white females registered sex discrimination complaints while white females, particularly those with children, filed housing discrimination complaints. Whites in general were well represented in the "other" category, particularly personal and emotional problems. The total White proportion was about 32%. The Hispanic composition was 13%, while Asians accounted for 10%. Race was the primary basis for filing complaints, more than 60% of the total. The next most frequent were sex and sexual orientation, nearly 20 and 15 percent respectively. Though accounting for approximately five percent of the total complaints, the number of complaints filed on the basis of disability increased substantially in comparison with previous years. Age was about one percent. However, one complaint in this category required literally weeks of staff investigation.

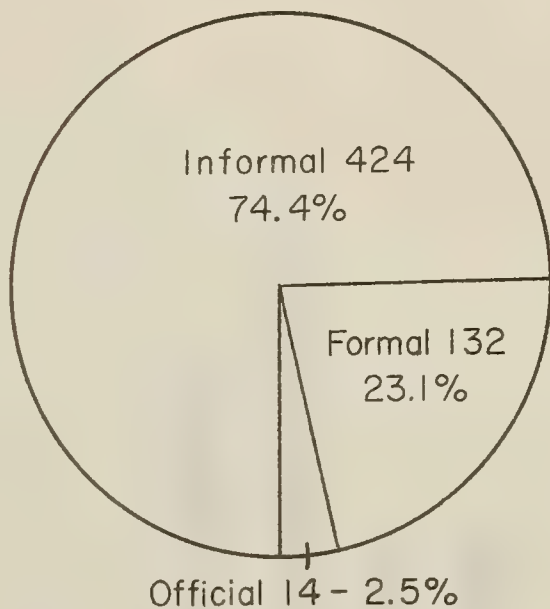
Numerous complaints charging noncompliance with Chapter 12B of the Administrative Code (the Nondiscrimination Ordinance) or challenging the bona fide status of an MBE (minority business enterprise) or a WBE (women business enterprise) were filed by the HRC contract compliance staff. These types of complaints involving construction contracts numbered 23 in the first half of 1981 and 49 for all of 1980. About the same number of formal and official complaints, filed by staff, were recorded: nine formal during both time periods and five official in 1980 and four for the first half of 1981. However, the number of informal complaints was less than one-third of the 1980 figure, 10 to 35.

In terms of disposition, most complaints were resolved, either by referral to other agencies or by internal resolution. Some complaints were dismissed because of lack of evidence. The length of time from first filing to final disposition was reduced markedly in 1981 from 1980 largely because these sexual orientation complaints were expedited far more rapidly.

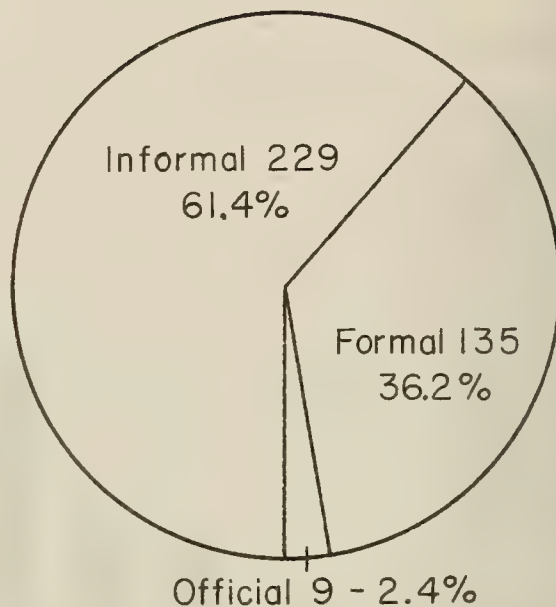
Number of Complaints Processed, 1969-1980



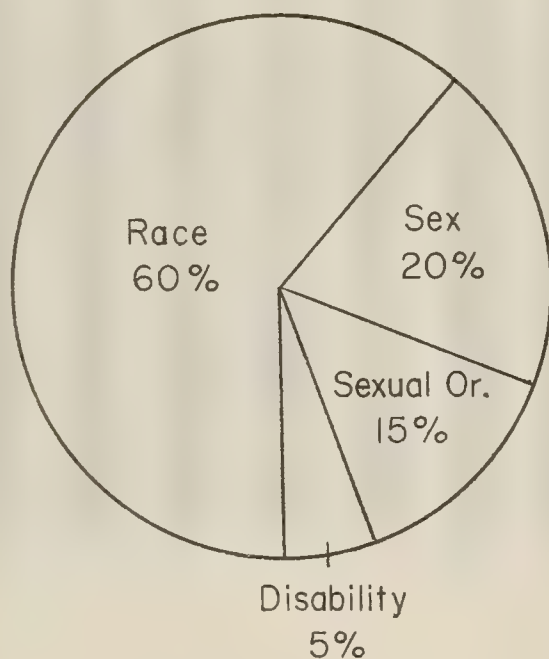
**Type of Complaints
1980**



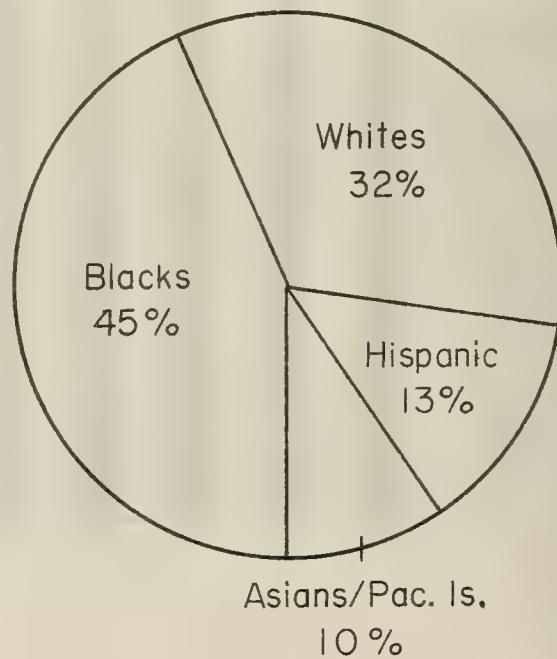
**Type of Complaints
1981**



**Basis for Filing Complaints
1981**



**Ethnic Composition of Complainants
1981**



Office of Revenue Sharing Compliance

In 1978, Latinos for Affirmative Action, a San Francisco based group, filed an Administrative Complaint against the City and County of San Francisco with the federal Office of Revenue Sharing, a division of the U.S. Department of the Treasury, charging noncompliance with the Local Fiscal Assistance Act of 1972. Latinos for Affirmative Action had been attempting to increase the participation of Hispanics in the City workforce, which, at approximately 30,000, is the largest source of employment in the City. Federal investigators found this noncompliance in several areas: unvalidated selection devices; inadequate recruitment of minorities; closed promotive system; discriminatory inquiries on application forms; gender-linked job titles; a concentration of minorities in temporary and CETA positions; severe under-representation of Hispanics in all levels and throughout the workforce; an absence of internal discrimination complaint procedures; and inadequate bilingual services.

A Compliance Agreement was signed between ORS and the City in June of 1979. The City agreed to a massive review and revamping of its selection and promotion procedures; it agreed to conduct intensified recruitment aimed at Hispanic and other minority communities; and it agreed to make a concerted effort to bring in increased numbers of Hispanics and other minorities.

The City then required each City and County department to develop an Affirmative Action Plan. The City was required also to develop an internal complaint procedure. The HRC is mandated, under City Ordinance 455-79, to do the following:

1. Provide technical assistance to each City department required to design and implement its own affirmative action employment program.
2. Monitor and evaluate various City departmental plans.
In addition, the HRC is represented on the Employment Discrimination Board. Frank Anderson, the HRC monitoring officer, worked with each City and County department in the development of an internal Affirmative Action Plan. Forty-two City and County departments completed their plans, and the HRC certified them for one year, so informing the Mayor and the Board of Supervisors. Performance measures: (1) review and certify departmental affirmative action plans and (2) technical assistance to departments was performed for all 42 departments. Mr. Anderson served as a hearing officer and chairperson of the Employment Discrimination Board for a complaint heard in June of 1981, the first of this Board established pursuant to the ORS compliance agreement.

The Civil Service Commission's Second Semi-Annual Report, dated August 1, 1980, to the Office of the Chief Counsel of the Office of Revenue Sharing in Washington, D.C., noted that both the Human Rights Commission and the Office of the Mayor have been integrally and continuously involved in the implementation and monitoring of the provisions of the Compliance Agreement. The activities have included but were not limited to the following:

- a) participation in bi-monthly meetings with the City Attorney, the Office of Revenue Sharing Coordinator and Civil Service staff to discuss updates, progress and problems in implementation of the agreement.
- b) liaison activities with the Mayor and with community groups designed to encourage communication and information flow.
- c) advice on policy matters related to the agreement.
- d) the Human Rights Commission has provided crucial and invaluable technical assistance to the City departments in the development of their Affirmative Action Plans.

The annual survey of all City departments and employees to be conducted in the summer of 1981, may show a slight increase in the number of Hispanic employees. However, the City's workforce has not been expanding and, with the elimination of the federal CETA program, the City lost more than 1,200 workers. Since the majority of the CETA workers were minorities and women, their loss may impact the City's compliance efforts.

Fair Housing Program

The HRC received a \$40,000 grant through the Office of Community Development (OCD, a federal program of grants to the cities) to establish a Fair Housing Program for the 1980 OCD program year: 2/1/80-1/31/81. The Program actually became operational in May of that year due to start-up delays. The HRC was subsequently funded for a second year; 2/1/81-12/31/81, for \$43,000. These consecutive grants provided for a Coordinator, Donald Hesse, and a Housing Specialist, Matthew Cohen, both working 60 percent time, that is, three days per week each. A full time clerk-typist, Bernadette Patrocino, was funded in combination with HRC's OCD grant for contract compliance.

The Fair Housing Program had as its primary goal the provision of counseling and assistance to residents or potential residents of San Francisco who believe that they are/or will be denied housing because they are members of a protected class. The protected classes which were handled under the Program were: race, religion, color, sex, national origin, marital status, disability, sexual orientation, and the presence of children in the family. While the Program did not restrict itself to serving low and moderate income persons because the civil rights laws which HRC enforces are not so restricted, such people were the primary beneficiaries of the complaint handling program and have been the sole target of the two discrimination audits of Tenderloin hotels.

The usual procedure followed was to receive the complaint by phone or walk-in and to review the facts. When possible, staff did further investigation in order to determine the strength of the complaint and to collect supporting evidence if it existed. Sometimes this involved using trained checkers from Operation Sentinel, the Bay Area fair housing coordinating agency, with whom HRC subcontracted.

After advising the client, the case was then referred to the appropriate agency or lawyers referral panel. If the client wished, or in cases in which there was no alternative, staff tried to mediate or conciliate the issue. The client was advised of the good and bad points of each referral and the decision was always his/hers. After referral, staff sought to review the cases to determine what the outcome had been and whether or not the referrals were being properly handled.

The initial experience of the Program indicated that there was a greater need for outreach, especially among the low income and non-English-speaking communities in San Francisco. Partially in response to this need and also as a means of determining the extent of the problem in the City, the Program began Fair Housing audits of selected neighborhoods as well as certain segments of the real estate industry. The results were and will continue to be well publicized. Such audits were also a means of carrying out a more aggressive fair housing program. The program worked in close cooperation with the State Department of Fair Employment and Housing to coordinate the provision of fair housing services in San Francisco and throughout the state. HRC Commissioner Caryl Mezey was appointed a member of the state Fair Housing Task Force. Staff were a resource which provided information to other interested parties including attorneys, real estate agents, and property owners who were unclear as to their responsibilities and rights. The HRC Fair Housing Program was the only program in San Francisco which provided these services and had established credibility with both consumers and property owners.

Matt Cohen conducted the initial discrimination audit of Tenderloin residential hotels in October of 1980 and then performed a follow-up audit of these same 26 hotels in March of 1981.

The purpose of doing the audits was four-fold;

1. To determine the scope of discrimination in rental housing that still exists in San Francisco.
2. To demonstrate the principal investigative tool of the San Francisco HRC Fair Housing Program.
3. To educate the affected populations to the means by which housing discrimination can be remedied through legal means.
4. To put landlords and managers on notice that such practices will not be tolerated.

The procedure followed for each audit was that of using two "checkers," one Black and one White male, seeking to rent a room. The Black checker went to a given hotel first, followed within 15 minutes by the White checker. Each checker was given similar incomes and low-paying blue collar occupations. On the second day of the follow-up audit, the concept of a "sandwich check" was utilized. That is, in the case in which a Black checker was told that there was no vacancy and the White checker was told that a room was available, another Black checker was sent in shortly afterwards to request a room. If, and only if, both Black checkers were denied a room was the determination of discrimination made. Fifteen hotels had vacancies in the follow-up audit, 13 of these were the same hotels having vacancies in the initial audit. In the October, 1980 audit, 10 of the 13 hotels having vacancies denied having a room available to the Black checker while offering a room to the White checker. In the March, 1981 audit, 11 of the 15 hotels having vacancies discriminated. Despite the publicity surrounding the release of the initial audit and letters sent, on December 16, 1980, by Director Mickins to each hotel owner/manager informing them of the audit and offering assistance, only two responses were received. One was in writing denying that discrimination had occurred. The second was from an owner/manager who came to the HRC offices seeking assistance in how hotel employees, particularly desk clerks, could be alerted to their legal responsibilities regarding discriminatory practices. A third audit of Tenderloin hotels will be conducted during the 1981-82 fiscal year. Also planned are an audit in the real estate industry based on race, one city-wide audit based on discrimination against families with children, and another audit in a San Francisco neighborhood based on race.

The Fair Housing Program goals for the 1981-82 Fiscal Year are investigation of housing discrimination complaints under the HRC's Fair Housing Program and to conduct discrimination audits of low and middle income housing vacancies. In addition, the completion of the remainder of the goals projected for the February 1, 1981 through December 31, 1981 contract period will be a priority.

Goals for the Contract Period: <u>2/1/81-12/31/81</u>		Actual <u>2/1/81-6/30/81</u>
1. Received and reviewed complaints of housing discrimination; after interviewing and evaluating each of those, refer out those which were not discriminating complaints to appropriate agencies.	1. 400 complaints	1. 156 complaints
2. Investigated housing discrimination complaints by phoning or visiting the sites; when necessary, employed Operation Sentinel checkers to do more through investigation.	2. 150 complaints	2. 105 complaints
3. Mediated housing discrimination complaints	3. 30 complaints	3. 10 complaints
4. Referred to enforcement agencies and private attorneys housing discrimination complaints.	4. 15 complaints	4. 23 complaints
5. Performed housing discrimination audits in San Francisco neighborhoods based on race discrimination; in the real estate industry based on race; and city wide based on discrimination against families with children.	5. 4 audits, 2 in real estate industry, and 1 on child discrimination	5. 1 audit in neighborhoods
6. Hold workshops for people interested in becoming fair housing checkers and enlist new checkers.	6. 3 workshops enlisting 10 new checkers	6. 1 workshop 3 checkers
7. Print and distribute informational brochures	7. 1000 brochures	7. 500 brochures
8. Provide bus posters on San Francisco buses soliciting complaints	8. 400 buses for one month's duration	8. cancelled
9. Provide public service announcements for radio and T.V. stations	9. N/A	9. 6 shows
10. Represent City at local and regional housing conferences and coalitions.	10. N/A	10. 12 meetings

Lesbian /Gay Community Liaison



The Gay Advisory Committee in session.

At a time when crime and violence, the Moral Majority, and "hate" campaigns have been on the rise, the Lesbian and Gay Community of San Francisco, estimated at approximately 30 percent of the total population of San Francisco, was particularly vulnerable to increased discrimination, making a Community Liaison extremely crucial. From the hiring of the first Lesbian/Gay Community Liaison in 1975 until March 30, 1981, when funding for Title VI of CETA was withdrawn, this staff position had been CETA-funded. Following extensive and intensive community support and concern conveyed to the Office of the Mayor, the Liaison position was financed through a Supplemental Appropriation as of May 29, 1981. The Liaison was made part of the HRC's General Fund supported positions beginning with the 1981-82 fiscal year.

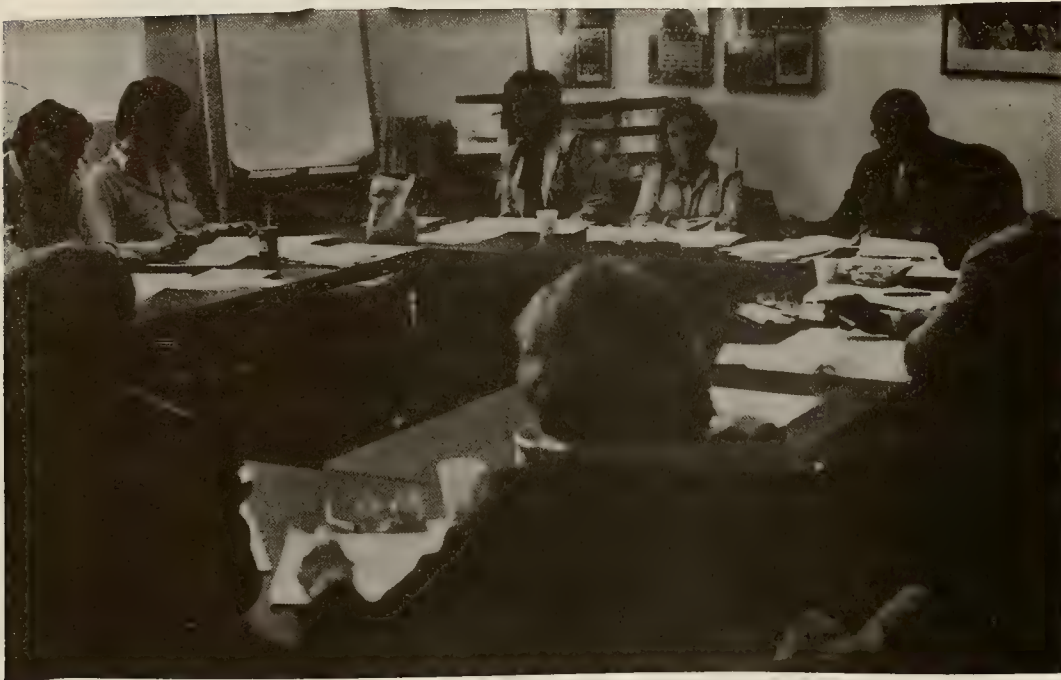
In 1974, Chapters 12A and 12B of the San Francisco Administrative Code were amended to include sexual orientation as a protected class. In 1975, the Board of Supervisors mandated the establishment of the Gay Advisory Committee of the Human Rights Commission. Additionally, Article 33 of the San Francisco Police Code, prohibiting discrimination based on sexual orientation in employment, housing, and public accommodations, was enacted in 1978. The HRC is designated as the agency with which a complaint of discrimination can be filed and is the agency empowered to

investigate and mediate complaints based on sexual orientation. Because there are no remedies at these governmental levels against discrimination, making local jurisdiction the only means of possible remedy.

The HRC's Lesbian/Gay Liaison investigated and mediated charges of sexual orientation discrimination, served as a conduit of information and as a link between government and community, provided technical assistance, and staffed the Gay Advisory Committee. As a member of the Gay Ad Hoc Committee of the Intergroup Clearinghouse, the Liaison was instrumental in setting up the Latino and Gay dialogue and continued her efforts to strengthen links within and between communities. Approximately 50 requests were processed monthly for information, referral, and technical assistance. In order to educate the citizens of San Francisco regarding sexual orientation discrimination and the needs and problems faced by Lesbians and Gays, the Liaison has been a speaker on various radio programs and has participated in a panel discussion at a local university.

Subsequent to the arrival of Jackie Winnow, the current Lesbian/Gay Liaison, in November of 1980, the number of complaints filed increased significantly. There were a total of 45 complaints for all of 1980, with 11 of those having been filed in November and December. For the first five months of 1981, there was 33 new complaints received; however, this time period included the five weeks during which the Liaison position was defunded, March 31st through May 4th. For the month of June, 1981 alone, 11 complaints were filed. As the community becomes increasingly aware of the availability of this complaint resolution resource, it is anticipated that the number of discrimination complaints filed will increase steadily. Outreach work, particularly to the Lesbian and third World Lesbian/Gay population, began in earnest because complaints filed were primarily from White males.

Intergroup Clearinghouse



Dr. Z. L. Goosby chairs the I. C. Committee.

In response to an apparent growth in intergroup tensions in the City that began, in mid-1980, to manifest themselves in direct confrontations, Mayor Dianne Feinstein asked Director Grant Mickins of the Human Rights Commission to convene a community-wide representative group of ethnic, religious, civic, and community leaders to create an Intergroup Clearinghouse to serve as a forum to conciliate and mediate tense situations occurring among diverse populations in the City.

At the organizational meeting, at which representatives of various community groups were present, Zuretti L. Goosby, a member of the Airports Commission, was Chair. Rita R. Semel, Coordinator of the San Francisco Conference on Religion, Race, and Social Concerns was selected as Vice-Chair. The HRC provided the initial direction and staff support.

The Intergroup Clearinghouse Steering Committee adopted the following:

STATEMENT OF PURPOSE AND POLICY

The Intergroup Clearinghouse of the City and County of San Francisco has been organized to act as a resource group to alleviate tensions, prevent hostilities, and to mediate conflicts that develop among and tend to fragment the multiple ethnic, racial, and other communities which exist in San Francisco.

The Steering Committee includes representatives of the Black, Hispanic, White, Asian, Filipino, American Indian, and Pacific Island communities, as well as youth, Senior citizens, Gay/Lesbian citizens, religious groups, and representatives of City Agencies including the Police Department, the Human Rights Commission, the Board of Supervisors, and the Mayor's Office.

The Intergroup Clearinghouse acts as a catalyst in bringing groups together and providing a forum for member groups and other community organizations to discuss matters of mutual concern. Generally, the I.C. Steering Committee votes only on procedural matters, not on substantive issues. Taking positions on substantive issues is the prerogative of the member groups unless a position on an issue is unanimously agreed on by the Steering Committee members.

The IC has four standing committees: (1) The Community Relations Committee, which develops materials on the backgrounds of member groups and extremist groups for use in various education projects, workshops, and seminars; (2) The Contingency Planning Committee, which makes recommendations to the Mayor's office and various San Francisco organizations and groups on how to handle peacefully acute intergroup hostilities and community crises; (3) The Public Information Committee, which has a speakers bureau, publishes a newsletter, develops brochures and posters, and which has various media projects; and (4) The Membership Committee. Other committees are established as needed.

Its Advisory Board is composed of resource persons who are available to advise the Steering Committee, standing committees, and ad hoc committees including neighborhood committees.

The Members of the Steering Committee are the Following:

*Ms. Rhonda M. Abrams, Anti-Defamation League; Mr. Israel Alcantor, Consortium of United Indian Nations; Mr. T. Lee Allen, Delinquency Prevention Commission; Mr. Ernest "Chuck" Ayala, Catholic Youth Organization; Rabbi Allen B. Bennett, Conference on Religion, Race, and Social Concerns; Mr. Fred Burdue; Mr. Pat Cannon, Catholic Social Service; Mr. Wilson Chang, Asian, Inc.; Ms. Barbara Cohen, SFUSD; Ms. Jo Daly, Consensus Bureau (S. F. Police Commission); Mr. Rotea Gilford, Mayor's Council on Criminal Justice; Mr. Jim Gonzalez, Office of that Mayor; Ms. Georgean Heller, National Conference of Christians and Jews; Mr. David Illumin, West Bay Filipino Multi-Service Corporation; Mr. Maurice Jeames, Morrisania West/Portal Street Academy; Supervisor Willie B. Kennedy, San Francisco Board of Supervisors; Mr. Julian Klugman, U.S. Dept. of Justice; Mrs. Donnetter E. Lane, S.F. Council of Churches; Rev. Dr. Norman E. Leach, Conference on Religion, Race, and Social Concerns; Mr. Orville Luster, Community Street Work Center; Mr. Bill Maher, President, Board of Education, SFUSD; Mr. Grant S. Mickins, Director, Human Rights Commission; Mr. Joseph Olmedo, Commission on the Aging; Mr. Earl Raab, Executive Director, Jewish Community Relations Council; Rev. Shaddrick Riddick, Chapel Hills Baptist Church; Mr. Eduardo Sandoval, Esq., President, Mexican-American Political Assoc.; Ms. Sose P. Selinger, Assistant Director, Samoa Mo Samoa; Mr. Richard A. Sevilla, Commissioner, Human Rights Commission; Mr. George Suncin, Executive Director, Horizons Unlimited; Lt. Tim Thorsen, Community Relations Office, S.F. Police Department; Ms. Nofaluma Tuasosopo, President, Samoa Mo Samoa

On November 7th, 1980, in a news conference in the Office of the Mayor, the Intergroup Clearinghouse received the official introduction of its mandate and membership. Chair Goosby stated that the I.C. would utilize all available economic, social, recreational, and logistical resources to try to avoid intergroup tensions. Earl Raab, an I.C. charter member, declared that the IC sought to apply specific actions to the prevention of crises stemming from social problems by bringing together groups that have common goals and providing the kind of support they need to resolve their problems.

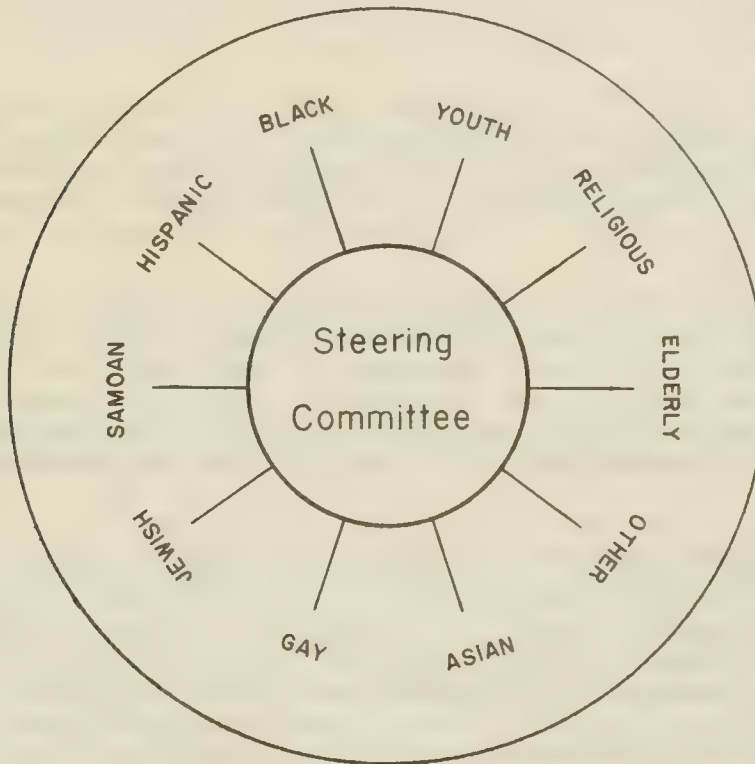
Shortly after IC was formed, community leaders voiced concern over the tensions perceived between Gay adults and Hispanic youth. On November 9th, 1980, two Gay men were assaulted near Dolores Park, suffering serious injuries. The incident was widely-publicized, triggering numerous television news media, radio, and speculation on its root causes: homophobia, joblessness, housing displacement, or certain police practices. The Mayor stated that the Clearinghouse was one of the instruments her administration was committed to for the resolution of conflicts attributed to these problems.

The Intergroup Clearinghouse established a special ad hoc committee to meet with approximately 40 community representative from the Dolores Park area. Others were included in subsequent meetings because the group did not perceive the problem to be limited to Gays and Hispanics. In February of 1981, an extensive report from the Gay Ad Hoc Committee, which included a number of specific recommendations for follow-up actions was presented to the IC Steering Committee. The Mayor requested that the Police Department, other law enforcement agencies and the School District give high priority to implementing these recommendations. One outgrowth of the work of this committee has been a commitment of funds from the Mayor's office for Community United Against Violence, that supplements their initial funds. CUAV projects include self defense classes, Mace certification classes, analysis of assault reports, information and referral services for victims and witnesses and collaboration with private and public agencies assisting in dealing with anti-gay assaults.

Other issues discussed at the IC, during the first half of 1981 included: the growing incidents of anit-Semitism in the Bay Area; the increasing visibility of the Klu Klux Klan on the West Coast; the possibility of intergroup tensions which may be heightened by proposed cuts in federally funded social programs. A Community Relations Subcommittee became active. It initiated a number of meetings with media management about sensitivity to reporting issue as well as arranging for Steering Committee members to tape Free Speech messages on community tolerance for television and radio stations.

In June of 1981, the Mayor approved a supplemental appropriation to provide temporary funds to the Human Rights Commission for staff and support services. Sally Williams was selected the Intergroup Clearinghouse Representative. As well as coordinating the projects of the Steering Committee, Ms. Williams will seek private funds for additional IC projects.

The conceptual framework for the Intergroup Clearinghouse is as follows:



Friends of the Human Rights Commission

The Friends of the Human Rights Commission, a nonprofit public benefit corporation, was organized to support the activities of the Human Rights Commission of San Francisco, to educate the public regarding human rights and to make grants to the HRC to enhance its management or for special charitable projects. FHRC was incorporated January 18, 1980 and declared a tax-exempt organization. FHRC hosted a reception on March 10, 1980, honoring Rabbi Alvin I. Fine, a charter member, on his retirement from the Commission after 16 years of outstanding service. This occasion was the kickoff for the Friends.

FHRC and the Council for Civic Unity (CCU) agreed to become functionally associated, toward the end of strengthening the cross-sectional civil rights forces in the community. Both groups will share much of their agendas and have a joint membership. In addition, on the organizational level, the FHRC established a relationship with the Intergroup Clearinghouse.

As state legislation was introduced to cutback certain important provisions of the fair employment laws of the state, FHRC became substantively active. AB 879 and SB 516 would have watered down even the most pristine of affirmative action programs, and the contract compliance capacity of the cities, one of the most significant ongoing functions of the HRC. The FHRC has helped to oppose those bills, and to establish an official policy in that regard.

FHRC will seek funding for the publication and distribution of a newsletter under the joint sponsorship of CCU and Friends. The purpose of such a newsletter would be to build up membership and constituency, as well as to widen community support for FHRC/CCU activities, to keep readers informed on Human Rights Commission issues and projects by presenting unbiased, factual background on significant issues, and to stimulate readers' actions and responses with respect to issues where such activity is potentially productive.

The Board of Directors of FHRC met on call, holding nine meetings during the 18 month period. The following persons were elected as officers of the Board:

President and Chief Executive: Earl Raab

Vice President: Dr. Zuretti L. Goosby

Secretary: Gail P. Roberts

Financial Officer: David K. Yamakawa, Jr.

The draft of the By-Laws and the Articles of Incorporation was prepared by George N. Buffington, Jr. of the law firm of Farella, Brown & Martel. The HRC Liaison was Gail Roberts.

GOALS FOR THE FISCAL YEAR

Fiscal

- ➡ To establish and implement a supportive fee schedule requiring bidders for contracts let by non producing departments to pay a reasonable pro-rated fee, based on the amount of the contract, reimbursing the HRC for services provided in fulfilling federal, state, and local requirements in equal employment opportunity and affirmative action.
- ➡ To implement a direct inter-department work order funding system with City departments currently being charged for Contract Compliance/Affirmative Action Services through the COW-CAP (County-wide Cost Assessment Plan) program for the 1982-83 fiscal year.

Program

- ➡ To resume affirmative action monitoring of the Fisherman's Wharf restaurants.
- ➡ To resume monitoring affirmative action for those banks and savings and loans associations with City funds on deposit.
- ➡ To continue to conduct affirmative action compliance reviews as part of the pre-bid award process for City contractors and to monitor compliance by 17 to-be awarded contracts under the Clean Water Program.
- ➡ To expand affirmative action monitoring of/and discrimination complaint investigation for the Commission on Aging.
- ➡ To monitor Port Commission tenants, leases, and contracts.
- ➡ To monitor construction contracts funded through the federal OCD Deferred Payment Rehabilitation Project totaling \$10,000 or more.
- ➡ To expand nondiscrimination and affirmative action services to the disabled community.
- ➡ To conduct discrimination audits of low and middle income housing vacancies.
- ➡ To incorporate the Intergroup Clearinghouse as a non-profit organization in the State of California and to obtain private funding for its continuation.
- ➡ To develop affirmative action agreements or certify compliance by all of the Airports Commission's tenants.

- ➡ To increase utilization of MBE/WBE at the San Francisco International Airport.
- ➡ To establish a program to promote MBE/WBE participation in the goods and services bought through the City Purchasing Department.
- ➡ To monitor compliance with City and County departmental affirmative action plans as part of the ORS compliance agreement.
- ➡ To maintain MBE/WBE participation and minority and women employment in architectural and engineering consultant contracts.
- ➡ To promote MBE/WBE participation in auditing contracts let through the City and County of San Francisco.
- ➡ To implement affirmative action in the employment of personnel at the George R. Moscone Convention Center.
- ➡ To oppose any local, state, or federal legislation that seems designed to reduce affirmative action gains made by minorities and women within the City and County of San Francisco.
- ➡ To certify existing San Francisco Department of Public Health contractors which have acceptable affirmative action components.
- ➡ To expand services to the Lesbian/Gay Community.
- ➡ To increase investigation of housing discrimination complaints under the HRC's Fair Housing Program.
- ➡ To hold a Business Seminar, jointly sponsored by the Airports Commission and the HRC, to acquaint minority and women-owned businesses with the bidding process for concession space at San Francisco International Airport.
- ➡ To begin monitoring homemaker and purchasing agreements of the Department of Social Services.
- ➡ To refine and expand the Management by Objectives system utilized by the HRC.
- ➡ To continue providing administrative responsibility and support services for COSW.
- ➡ To expand MBE/WBE participation and employment of minorities and women in City construction contracts.

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